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ARCHIVES OF MARYLAND

PROCEEDINGS AND ACTS

OF THE

GENERAL ASSEMBLY OF MARYLAND

MARCH, 1697/8—JULY, 1699

PUBLISHED BY AUTHORITY OF THE STATE, UNDER THE DIRECTION
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WILLIAM HAND BROWNE
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ROOMS OF THE MARYLAND HISTORICAL SOCIETY,

BALTIMORE, *January* 10, 1903.

To the Maryland Historical Society:

GENTLEMEN:

We have the honor to submit the Twenty-second Volume of the Maryland Archives, being the Proceedings and Acts of Assembly from March 8, 1697/8, to July 22, 1699.

Respectfully,

CLAYTON C. HALL,
HENRY STOCKBRIDGE, JR.,
BERNARD C. STEINER,

Committee.

ARCHIVES OF MARYLAND.

The following volumes have been published :

I.

Proceedings and Acts of the General Assembly, 1637/8–1664, 1883

II.

Proceedings and Acts of the General Assembly, 1666–1676, - 1884

III.

Proceedings of the Council, 1636–1667, - - - - - - - - 1885

IV.

Judicial and Testamentary Records of the Provincial Court, 1637–1650, - - - - - - - - - - - - - - - - - - 1887

V.

Proceedings of the Council, 1667–1687/8, - - - - - - - 1887

VI.

Correspondence of Governor Horatio Sharpe, I, 1753–1757, - 1888

VII.

Proceedings and Acts of the General Assembly, 1678–1683, - 1889

VIII.

Proceedings of the Council, 1687/8–1693, - - - - - - - 1890

IX.

Correspondence of Governor Horatio Sharpe, II, 1757–1761, - 1890

X.

Judicial and Testamentary Records of the Provincial Court, 1650–1657, - - - - - - - - - - - - - - - - - - - 1891

XI.	Journal of the Maryland Convention, July 26–Aug. 14, 1775 Journal and Correspondence of the Council of Safety, Aug. 29, 1775–July 6, 1776, - - - - - - - - - - - -	1892
XII.	Journal and Correspondence of the Council of Safety, July 7–Dec. 31, 1776, - - - - - - - - - - - - - - - -	1893
XIII.	Proceedings and Acts of the General Assembly, 1684–1692, -	1894
XIV.	Correspondence of Governor Horatio Sharpe, III, 1761-1771,	1895
XV.	Proceedings of the Council, 1671–1681, - - - - - - - - -	1896
XVI.	Journal and Correspondence of the Council of Safety, Jan. 1–March 20, 1777, Journal and Correspondence of the State Council, March 20, 1777–March 28, 1778,	1897
XVII.	Proceedings of the Council, 1681–1685/6, - - - - - - -	1898
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XIX.	Proceedings and Acts of the General Assembly of Maryland, September, 1693–June, 1697, - - - - - - - - - - -	1899
XX.	Proceedings of the Council, 1693–1697, - - - - - - -	1900
XXI.	Journal and Correspondence of the Council of Maryland, April 1, 1778–October 26, 1779, - - - - - - - - -	1901
XXII.	Proceedings and Acts of the General Assembly, March, 1697/8–July, 1699, - - - - - - - - - - - - - -	1902

PREFACE.

The sessions of Assembly, held in March and October, 1698, did not pass without the usual bickerings between the Governor and the Lower House. Both sides were suspicious, captious about punctilios, and ready to see offence where none was intended. However, the news that Nicholson was about to be removed to the government of Virginia begat a more amicable feeling, and they parted with expressions of mutual good will.

In 1697 an epidemic of some sort prevailed in Charles county. It having been found that the sick were benefited by drinking the waters of the Cool Springs in St. Mary's county, in 1698 an act was passed for purchasing these springs and the adjoining land at the public expense. Here cottages were to be erected and furnished with fuel and other necessaries for the free use of the sick poor. A trace of the bigotry of the time appears in a complaint of the Delegates to the Governor that the Roman Catholic priests had a habit of going among the sick and dying, administering the sacraments, which "extravagant and presumptuous behaviour" they ask him to prohibit by proclamation.

A somewhat humorous incident of the October session was this;—Nicholson, desirous, before his departure from Maryland, to heap coals of fire upon the heads of the perverse Delegates, applied to the English Committee of Trade to procure from the King an Act of pardon for the Province. The Committee (in some wonder, we may surmise) did so, and the Act was signed and transmitted. The Delegates, far from being overjoyed at the royal clemency, drily remarked that they were not conscious that the Province labored under any guilt, and therefore humbly conceived that no pardon was needed. Nicholson, in high dudgeon, told them that they were the first people he had ever heard of that refused their King's mercy, and since they had so little grace, he would at once put into execution all the judgments on navigation bonds, which he had not intended to do. The Delegates, however, were firm in declining to accept pardon where they were conscious of no offence, and the King's peace returned to him again.

Nicholson's successor, Nathaniel Blakiston, was the descendant of an old Northumbrian family. His grandfather, John, was Mayor of Newcastle in 1645, and one of the judges who pronounced sentence of death on Charles I. John's fourth son, Nehemiah, came to Maryland about 1668, where he married Elizabeth, daughter of Thomas Gerard. He was commissioned Clerk of the Royal Customs for Wiccocomico and Potomac, and was active in the Revolution of 1689. In 1690 he was appointed President of the Committee for the temporary government of the Province, was Speaker of the Lower House of Assembly in 1691 and Justice of the Provincial Court, and a little later in the same year a member of the Council. He died in 1693.

Nathaniel, the Governor, was the second son of John, an elder brother of Nehemiah, and Phœbe, daughter of William Johnston. In 1698 he was admitted to the Merchant Adventurers' Company of London, and was appointed Governor of Maryland, to succeed Nicholson. He was an amiable man, and his relations with the Delegates were characterized by unusual cordiality. Unfortunately, ill health compelled him to resign his office in 1701, and he shortly after returned to England, where he was living, as letters show, in 1714.*

In the preface to Vol. XXI of these Archives it was stated that the victory at Monmouth, June 27, 1778, "cost the life of the gallant Ramsay." This was an error. Though pierced with many wounds, and left for dead, he was not killed, but was taken prisoner by the British, and afterwards exchanged. He represented Maryland in Congress in 1786, 1787, was later Marshal of the District of Columbia, and in 1794 was Naval Officer for the district of Baltimore.

*The editor is indebted for these particulars concerning the Blakistons to Dr. Christopher Johnston, of the Maryland Historical Society.

PROCEEDINGS AND ACTS

OF THE

GENERAL ASSEMBLY

OF MARYLAND,

At a Session held at Annapolis, March 8, 1697/8, *to*
April 4, 1698

CHARLES CALVERT, LORD BALTIMORE,

Proprietary.

FRANCIS NICHOLSON,

Governor.

THE UPPER HOUSE OF ASSEMBLY.

At a Councill held at the port & Towne of Annapolis In Ann Arundell County the 23^{d} day of ffebruary 1698 the Tenth Yeare of his Maj^{tyes} Raigne &^{ca}

Original Journal. p. 1

S^{r} Thomas Laurence Barr^{t} Secr^{y}
Colonel Henry Jowles
Edward Randolph Esq^{r}

This day by his Ma^{tys} Writt of Election or Summons being appointed for the meeting of the Gen^{ll} Assembly of this Province pursuant thereto appeared att the Councill Boarde, these ffollowing Delegates by Indenture Returned for S^{t} Marys, Ann Arundel prince Georges, and Calvert Countys, (Viz^{t}) M^{r} Jacob Moreland, Major John Hammond, M^{r} James Saunders, M^{r} Samuel Yo[ung] Major Walter Smith, M^{r} Elisha Hall, M^{r} W^{m} Hutchyson M^{r} John Wight Coll Ninian Beale and Major William Barton to whom by Virtue of his Maj^{tys} Writt of dedimus potestatem directed to the aforesaid Gentlemen of his Maj^{tys} hon^{ble} Councill then p^{r}sent were administered the Oaths appointed by Act of parliament to be taken in steade of the Oaths of Allegiance and Supremacy att which they tooke as Likewise M^{r} William Bladen Clarke of the said house of Delegates and and at the same tyme the said Members & Clarke Subscribed the Test.

After which was produced & read his Maj^{tys} Writt of prorogation In these words Viz^{t}:

Maryland ss:

William the Third by the Grace of God of England, Scotland, ffrance and Ireland King Defender of the ffaith &^{ca} To the members of our privy Councill & house of Delegates for this our province of Maryland, Greeting, Whereas by our Certain Writt of Election issued, directed, and sent unto the Sev^{r}all Sheriffs of our said province bearing date the Eleventh day of January Last past thereby Impowering them to call together four or more Commissio^{rs} of their Respective Countys with their Clke to [sit] as a Court and during their sitting (by Virtue of their   to make or Cause to be made publicke proclamation thereby giving notice to all the ffreemen of their

Original Journal. p. 2 said Countys (authorised by Law) to appeare at a certain Day & place appointed for the Electing and Choosing four Delegates or Representatives to serve for each of their said Countys and two for the city of St Mary's at a Genll Assembly to be held at our Towne and porte of Annapolis the 23d day of ffebruary Instant as by recourse to our said writts, being had may more fully & at Large appeare. But for certain Causes and Considerations us thereunto Especially moving We do thinke fitt to deferr, putt off & prorogue the sitting of the said Assembly untill the 8th day of March next. And the same is hereby prorogued accordingly Whereby you Every of you are to give due notice, and in no ways to faile meeting at this place the said Eigth day of March appointed, Given under the broade Seale of our said province this 21st day of ffebruary 1697/8 in the Tenth yeare of our Raigne Witness our Trusty and well beloved ffrancis Nicholson Esqr Capt Genll and Governor in Chiefe in and over our said province and Territorys of Maryland

Att a Councill mett & held at the port of Annapolis the 8th day of March 1698.

prsent

The honble Sr Thomas Laurence Barrt Secretary
Colonel Henry Jowles Chancellour
Thomas Tench Esqr

This day pursuant to prorogation Sevrall Delegates Returned by Indentures according to the writts of Election mett, who were not before Sworne Vizt Capt Thomas Waughop, for St Marys City, Mr Philip Clarke Major John Low, and Mr Thomas Beale for St Marys County, Capt Richard Hill, for Ann Arundell County, Mr James Crauforde & Mr John Leach Junior for Calvert County, Mr Philip Hoskins Major James Smallwood, Mr Henry Hawkins and Mr Benjn Hall, for Charles County, Mr Thomas Staley, Mr George Ashman and Mr John Hall, for Baltemore County.

The Dedimus for swearing the Delegates was again pro- p. 3 duced pursuant whereto the aforenamed Members had administred unto them by his Matys honble Councill present the Oaths appointed by Act of parliament to be taken instead of the Oaths of Allegiance and Supremacy, who severally Likewise Subscribe the Test.

The Sevrall members sworne this day & before tooke Leave & repaired to the Stadt house.

His Excy ffrancis Nicholson Esqr his Matys Capt Genll & Govr in Chiefe in over this province &ca Came & sent to the house that they should Immediately attend him in Councill. Original Journal.

Accordingly the sevrall members of the house came & acquainted his Excy that they were mett according to his Matys Writt of Election and prorogation. Whereupon his Excy gave Comand that they should go & choose a speaker, who accordingly repaired to the house, and after some Shortt tyme Returne againe & acquaint his Excy that they conceived themselves not sufficient in number to proceede to the choice of a Speaker for that According to the Constitution of this Province they should be the Major part of the house, (to witt) four & Twenty in number prsent to make such Choice, which they than not being conceived they could not pursue his Excys Directions to choose a Speaker.

They are asked which way they thinke most propper & authenticke for the Deferring the Assembly till an other day who are all of Opinion that the propperest way will be by writt of prorogation which is Ordered accordingly to Issue, and was prpared, read & approved of in Councill and afterwards Signd by his Excy and passed the broade Seale of the Province.

His [Excy] being pleased to absent himselfe and Sevrall members of the house appearing in Councill the said Writt of prorogation was openly & distinctly read unto them as follows

William the third by the Grace of God of England Scotland, ffrance, & Ireland, King Defender of the ffaith &ca To the members of our privy Councill and house of Delegates for this our province of Maryland greeting Whereas the meeting of the Genll Assembly of this province was by our Certain Writt of p. 4 prorogation (issued the Twenty ffirst day of ffebruary Last past) deferred and putt of untill the Eighth day of march Instant. But for Certain Urgent Causes and considerations, us more Especially moving; We do thinke fitt to ffurther Deferr putt off & prorogue the sitting of the said Assembly untill the Tenth day of this Instant March and the same is hereby prorogued Accordingly, Wherefore you and Every of you are to take due notice and in nowise to faile meeting at this place the said Tenth day of March, appointed, given at the Towne & porte of Annapolis under the broade Seale of our said province this said Eight day of March 1697 and in the Tenth yeare of our Raigne Witness our trusty and well beloved ffrancis Nicholson Esqr Capt Genll & Govr in Chiefe in & over our said province and Territory of Maryland

ffr. Nicholson

Original Journal. At a Councill held at the port of Annapolis the 10th day of March 1697/8

prsent

Colonel Henry Jowles Colonel George Robotham and Thomas Tench Esqr

This being the day to which the Assembly was ffurther prorogued the sevrall members come to Towne & not yett sworne came (Vizt) Major Thomas Smithson, Mr Edward Loydd, Mr William Hemsley & Mr Richd Tilghman Mr Edward Loydd Delegates by Indenture returned for Tallbott County; Major Thomas Smith, Mr Simon Wilmer & Mr Michael Miller; for Kent County Lieutent Col: John Thompson; Mr William p. 5 Harris, Mr Hans Hanson & Mr John Carvile, for Cecill County as also Mr John fferry for Baltemore County to whom the Comission was read for swearing them; and they had sevrally administred unto them by Gentlemen of the Councill prsent the Oaths appointed by Act of parliament to be taken insteade of the Oathes of Allegiance & Likewise Subscribe to the Test.

His Excy ffrancis Nicholson Esqr his Majtys Capt Genll and Chiefe Govr of this province being att hand attended with the honble Colonel John Addison and Thomas Brooke Esqr came Into Councill and the members being all repaired to the house had Leave given them to choose a Speaker, Who after some shortt tyme Came and prsented Major Thomas Smithson for their Speaker, Who humbly Excused himselfe by reason of Sickness & other disabilitys To whom his Excy by Answer, Returned, that thô he might take him att his word yett having considered that seing the house had made Choice of him to serve in that Station; he would not excuse him, Whereupon Mr Speaker, craved the Liberty, he might att all tymes have ffreedome of speech & access to his ꝑson, and was told he might expect the same allways propper & convenient.

Afterwards his Excy was pleased to express himselfe in these following words.

Honble Gentlemen.

God Allmighty having been pleased by his Majtys inimitable Valour and conduct to restore an honourable peace to his owne Kingdomes and Dominions as well as to his confederates.

I thinke we are in all duty bound to keepe as Solemne a Day of thanksgiving in this his Majtys province as we are Capable of concerning which I do not in the Least doubt, but you agree with me; as also in Signing a most dutyful & Loyall address to his most Sacred Majty upon this Occasion, and I Judge this a propper tyme to have read to you their Excys the Lords Justices, Proclamation for publishing the peace between his Maj^{ty} and the ffrench King with the sev^{r}all Articles thereof as also the R^{t} hon^{ble} the Lords Com^{rs} for Trade & fforraigne plantations their Letter to me concerning the said proclamation (which being read his Ex^{cy} ffurther added) Original Journal. p. 6

M^{r} Speaker I here give you his Maj^{tys} most gracious Speech to both Houses of Parliament on ffriday the third of December 1697 And by the Latter parte of It you will finde how Extraordinary happy all of us are Who have the good ffortune of being Subjects to so great a King.

Gentlemen His Maj^{tys} Royall Commission & Instructions to me pursuant to some of them, by the advice & consent of his Maj^{tys} hon^{ble} Councill and the Late house of Delegates I have allreaddy on his Maj^{tys} behalfe passed Sev^{r}all Laws & Ordinances And I hope that (by the divine Assistance) you will agree to p^{r}sent such others as are still wanting and shall be consonant to the Writt by which you are here mett, that I may pass them Likewise And when you Gentlemen of the house of Delegates are ready, I shall Order to be Laid before you the particulars Especially concerning the Church, the Indians the Militia, the School, about altering the Winter County Courts and a Certaine Methode of holding Assemblys

Their Lordps the Lords Justices Proclamation for publishing the peace between his Sacred Maj^{ty} and the ffrench King.

The Articles of the peace, And the R^{t} hon^{ble} the Lords of the Councill for Trade & fforraigne plantations Letter with their directions to his Ex^{cy} for publishing the said peace, within this his Maj^{tys} Province of Maryland being reade in full in Assembly att the same tyme all the Shipps in the harbour discharged their great Guns His Ex^{cy} Afterwards being pleased to give the whole Assembly a Gen^{ll} Entertainment, where all Imaginable Joy for such happy Newes was Exprest in drinking his Maj^{tys} health &^{ca}

Att a Councill in a Gen^{ll} Assembly Mett & held at the Port of Annapolis the 11th day of March 1697/8. In the Tenth Yeare of his Maj^{tys} Raigne &^{ca} p. 7

Present

His Ex^{cy} ffrancis Nicholson Esq^{r} Cap^{t} Gen^{ll} &^{ca}
Colonel Henry Jowles
Colonel George Robotham
Colonel John Addison
Thomas Brooks Esq^{r}

Produced by his Ex^{cy} & read a Commission under the broade

Original Journal. Seale of England directed to Sev^{r}all of his Maj^{tys} hon^{ble} Councill and others Impowering them to administer an Oath to his Ex^{cy} which thô the same had been formerly offered at Battell Towne in Calvert County the 11th of Janu^{ry} 169$\frac{7}{8}$ yett he is pleased to say that for the more Solemne doing thereof he will have the said Com̄ission read in publicke together with the Ex^{ncys} the Lords Justices Instructions therein mentioned as also a Letter by his Ex^{cy} received from the hon^{ble} the Com̄issioners of his Maj^{tys} Customs & a printed Act of parliament for Regulating abuses in the plantation Trades inclosed, and that he Intends to take the said Oath Again publickly being also pleased to signifye that he had Ordered a Copy of the said Instructions to be prepared in Order to be sent to Each County of the province to be Lodged amongst the Rest of the County Records together with a booke of Rates & forementioned Act of parliament. And Likewise thought It might be propper to send a Copy of the Oath by him taken to each of the said Countys, by which meanes the people would receive such Effectuall Notice & Warning that they could not hereafter plead Ignorance in any thing of that Nature all which was very well approved of by this boarde, and Ordered that the said Instructions, Booke of Rates, Act of Parliament and Oath be accordingly Sent to Each County of the province for the use of the said Countys and Intent afs^{d}

The houses Request in behalfe of Colonel Ninian Beales Warr^{t} of Resurvey being deferred the Execution till Some ffurther tyme was assented to by his Ex^{ncy} and his Maj^{tys} hon^{ble} Council

Then came M^{r} Edward Loydd and M^{r} Richard Tilghman
p. 8 from the house and by Order thereof p^{r}sented M^{r} Thomas Hicks Doctor Jacob Lookerman, & M^{r} Walter Campbell to the boarde to have the Oaths by Act of parliament to be taken Insteade of the Oaths of Allegiance and Supremacy administred to them, Whereupon the said Oaths were administred to the sd Gentlemen in their capacitys, as they Were returned by Indenture.

Delegates for Dorchester County and they Likewise Subscribed the Test.

Came Lieutenant Colonel John Thompson & M^{r} James Saunders who bring the ffollowing Message from the house.

By the house of Delegates March the 11th 1697/8.

ffor as much as a doubt hath arisen in the house concerning the dueness of the Election of the Gentlemen appearing as

Delegates for Baltemore County. We desire his honour the Chancellour will upon Oath examine, Thomas Browne Thomas Roberts, ffrancis Robinson & Nicholas ffitzsimons subscribers to the said Indenture, and what other psons that can give their Testimony therein in Relation to the said Election and Certifye the same to this house. Original Journal.

Sam^{l} Browne Edward Hansley } Signd p Ord^{r}
and Two psons more appearing } W Bladen Cl Dom Del.

In answer to which the following Message by his Ex^{cy} the Governour & Councill In Assembly March the 11th 1697/8.

In Answer to the houses Request about Baltemore County Delegates the ffollowing psons were examined & sworne before the hon^{ble} Colonel Henry Jowles Chancellour (in Councill) concerning the Election of the said Delegates Viz^{t} Thomas Browne Thomas Roberts, ffrancis Robinson, Nicholas ffitzsimons, Sam^{l} Browne & Edward Hansley who upon their Oaths do Sev^{r}ally say that M^{r} George Ashman M^{r} Thomas Staley M^{r} John fferry and M^{r} John Hall by Indenture Returned to serve as Delegates for Baltemore County this p^{r}sent Assembly were freely & duely Elected by the ffree holders of p. 9
the said County without any opposition

Signd p Order
Henry Denton Clke Cll.

The honourable S^{r} Thomas Laurence Came added
The s^{d} answer was Returned backe by the members sent from the house.

Produced by his Ex^{cy} and read a Copy of Articles of Charge given in by Cap^{t} Gerrard Sly ag^{t} his Ex^{cy} and sev^{r}all other papers relating to that matter, which is thought fitt that the same be Laid before the house together with a Copy of parte of a Letter by his Ex^{cy} received from the hon^{ble} John Povey Esq^{r} One of the Clks of his Maj^{tys} hon^{ble} privy Councill in relation to the Revenues having been here read.

His Ex^{cy} is pleased to demand of the hon^{ble} Colonel George Robotham and Colonel John Addison, who had not heared the said Articles before read, what they had to say concerning the said Articles; Who made Answer that they never knew, or heard of any such Matters as are there rep^{r}sented ag^{t} his Ex^{cy} but do take the said paper to be alltogether Malitious, Scandalous & foolish.

Major Whittingtons Acco^{t} about the bounds betwixt this province and pensilvania produced and Reade, as also a Lre from the Navy Office to Esq^{r} Randolph in Relation to furnishing Navall Stores &^{ca} A Lre from Esq^{r} Neale to his Ex^{cy} of the

Original Journal. 8th of 7br 1697 touching Coyns &ca and a Certificate from the Ordinance Office dated the 13th of January 1695 about 100 Barrells of powder & 200 Snap hance Musquetts sent to his Excy Govr Coply &ca

All which Sevrall papers are ordered to be Layd before the house together with the deposition of Thomas Browne about Amos Nichols. The petition from the Rangers of potomoke & Baltemore County Mr Lubmans Letter to his Excy about Romish priests. Laurence Garry and Daniel Cannins petition for the Gate keepers place, James Bakers petition about the ꝑquisits of his place and Mrs Ratchell Hewetts, Petition for payment of the arrears the 40lb ꝑ poll to her deceased husband

Marh the 12th 1697/8

p. 10 The Councill again sate and were prsent as yesterday Except Thomas Laurence.

Came from the House of Delegates Colonel Thompson Mr fferry and prsent Mr William Taylard one of the Delegates Chosen for St Marys City in Order to be sworne who accordingly had the Oaths appointed by Act of parliament to be taken instead of the oaths of Allegiance and supremacy administred unto him by the honble Colonel Robotham, Thomas Tench, & Thomas Brooks Esqrs which he tooke and afterwards subscribed to the Test.

His Excy was pleased to go up to the Stadt house attended with his Majtys honble Councill in Order to have the Com̄ission for swearing his Excy publickly read together with their Excys the Lords Justices Jnstructions relating to Trade &ca Where Mr Speaker and the sevrall members of the house, His Excy the Councill & members of the house being sevrally seated, he is pleased to acquaint them with the occasion of his Coming, telling them that thô he had taken the same Oath before, att Battle Towne yet It being a thing of such consequence he thought fitt that the said Com̄ission should be read here publickly and to take the Oath again, which was accordingly done

Afterwards was read their Excy the Lords, Justices, Instructions relating to the Trade & Sevrall other papers Ordered to be Laid before the house, & were delivered to the Clarke of the house.

Then his Excy told them that he had one thing more to communicate unto them, which thô he was sorry to trouble them with, yett by reason the matter in parte seemed to reflect upon the whole Government, He therefore thought It necessary for their Cognizance, and thereupon produced a Copy of a Letter Writt by one Capt Gerrard Slye to one of the Lords of his Maj^{tys} most honour^{ble} Councill by way of contempt ag^{t} his Ex^{cy} which was read together with a Certain paper formed into Articles of Charge ag^{t} him which Order together with Sev^{r}all other papers relating to that matter delivered to the Clarke for the ꝑusall of the house. Original Journal.

His Ex^{cy} being pleased to shew M^{r} Speaker and the members the Sev^{r}all Offices & Rooms in the new Stad^{t} house. Returned afterwards to the Councill Chamber. The hon^{ble} Thomas Tench Esq^{r} has Leave to retire home till Munday. p. 11

Brought from the house of Delegates March the 12th 1697/8.

May It please Yo^{r} Ex^{cy}.

It having fallen under the Consideracōn of this house whether It were convenient and consonant to the Rules & Methods of parliaments and Assemblys that your Ex^{cy} should be p^{r}sent here whilst the house is sitting.

We have resolved that the same As it hath not heretofore been usuall so It ought not now to be practicable therefore humbly desire that when your Ex^{cy} pleases to conferr with this house you will order us to attend you att the Councill Chamber. It being more for the Grandeur & honour of the Kings Government that We should there attend your Ex^{cy} then that you should give your selfe the Trouble to come downe to us. We are with all dutifull respects your Ex^{cys} most humble Servant.

Signd ꝑ Ord^{r}
W Bladen Cl Dom Del.

Which being read.

The following answer was by Order Sent (Viz^{t}) By his Ex^{cy} the Gov^{r} & Councill in Assembly March the 12th 1697/8.

The Message sent by Cap^{t} Waughop and others about the Rules & Methodes of Assembly &^{ca} was Received, and his Ex^{cy} in Councill is pleased to returne for Answer that he is very well Satisfyed therewith.

Signd ꝑ Order Hen: Denton Cl Co^{ll}

The hon^{ble} James ffrisby Esq^{r} came and was added. A Letter to his Ex^{cy} from Colonel Pierce about Indians dated the 9th of March 1697/8 read and ordered to be Layd before the house with the other papers relating to the affaire which is recommended to the consideracōn of the house

His honour Colonel Jowles, & Colonel Addison Ordered to carry the said papers, & answer to the house who returne & say It is risen. p. 12

That It be proposed to the house to make a Law, to revive the Discontinued process of Cecill County Co^{rt}

Original Journal.

Munday March the 14th 1698.

The Councill again Sate and were prsent His Excy ffrancis Nicholson Esqr Capt Genll &ca

The honble Colonel Hen: Jowles
Colonel George Robotham
Colonel John Addison
Thomas Brooke Esqr
James ffrisby Esqr

Came Mr William Harris & Mr John Hall who say they were sent from the house to desire that his honour the Chancellour would please to administer an Oath to Mr William Bladen which was accordingly done.

Brought from the house of Delegates by Capt Waughop and three other Members the ffollowing Message, which was read.

(Vizt) By the house of Delegates March the 14th 1697/8

This house being well apprized of An Ordinance made at a Session of Assembly (folio: 49) whereby It was ordained that publicke & County fferrymen should keep Ordinary without paying for their Lycences And whereas sevrall psons have been thereby Encouraged to keep fferys expecting the beneffitt thereby proposed & designed them we humbly Intreatt your Exncy that they may not be deprived thereof.

Signd ꝑ Ordr W Bladen Cl Dom Del

His Excy is pleased to direct the honble Colonel Robotham and Colonel Addison to go to the house & command the Speaker & the whole house in his Majtys name to attend him in Councill here Immediately.

p. 13 Accordingly came up Mr Speaker attended with the whole house to whom his Excy was pleased to express himself to this Effect (Vizt)

That the Chiefe thing that he summoned them for was concerning the Indians, but finding that they were falln upon private business (which he would take some other tyme to Consider of) he had sent for them to Lay the sevrall papers before them relating to that Affaire,

Sr Thomas Laurence Barrt his Majtys Secretary came & was added.

Likewise came the honble Thomas Tench Esqr & was added. Then the Journall of the Gentlemen that were sent to Virginia upon the Indian Treaty & the sevrall proceedings therein in October last.

Afterwards read the honble Esqr Tench & Major Dents Journall of the proceedings and Negotiation in Virginia. In the matter of the Piscattaway Indians, and the Governour &

Councills Result thereon; and upon Reading that parte where his Ex^cy^ S^r^ Edmond Andross says he would answer the Gov^rs^ Letter hereafter, His Ex^cy^ is pleased to declare before the fface of the Whole Assembly, that he never received any answer from S^r^ Edmond Andross to that Matter. Original Journal.

All the said papers were ordered to be, accordingly delivered to the Clke of the house.

Afterwards his Ex^cy^ was pleased to tell them that as to the message sent on Saturday ffrom the house (if they do but consult their former Journall) they will finde no deviation from their former Rules, thô' the manner might some thing differ, which his Ex^cy^ tooke to be the speediest and Easyest way of Dispatching business and Creating a Right Understanding of Matters however had Ordered An Answer to be returned thereto that Evening of his being well satisfied with the houses Resolve therein, but that the house was risen before the answer gott to them.

M^r^ Speaker and the Rest of the Members repaire to the house to consult about the Indian Affaire.—Came Doctor p. 14 Jacob Lookerman & Walter Campbell who say they were sent from the house to desire that M^r^ ffrancis Genkins, M^r^ John Bosman M^r^ Sam^l^ Collins, and M^r^ Walter Lane Delegates Returned by Indenture to serve for Somersett County, might be sworne, Whereupon the hon^ble^ S^r^ Thomas Laurence Barr^t^ Colonel Robotham & Esq^r^ Brooks did administer unto the sd Gent^n^ the Oaths appointed by Act of parliament to be taken insteade of the Oaths of Allegiance & Supremacy And the said Gent^n^ severally subscribed the Test.

March the 15^th^ 1697/8.

The Council again Sate and were prsent.

His Ex^cy^ ffrancis Nicholson Esq^r^ Gov^r^ &^ca^

Colonel Henry Jowles
Colonel George Robotham
Thomas Tench Esq^r^
Colonel John Addison
Thomas Brooks and
James ffrisby Esq^rs^

That It be proposed to the house how the Arms now coming in shall be disposed of

That the dispute about the ffurrs brought from pensilvania and exported out of the Province by Cap^t^ Nicholas Smith be now decided this Assembly

Original Journal.

The ffollowing Message was by Order drawen up Vizt } By his Excy the Govr in Councill In Assembly March the 15th 1697/8

There being two of the Navall Officers now attending in order to make Oath to there accots It is required that the house would send about six of their membrs to see them sworne that the said Officers may be dispatched out of Towne And it is recommended by this boarde that the house would consult whether they thinke It necessary to prohibite the Exportation of Corne and provisions.

Signd ꝑ Ordr
Hen: Denton Cl Council

Esqr Tench & Esqr ffrisby ordered to carry the said Message who accordingly went and Returne & say they have delivered the same.

It is proposed that the house advise whether the Susquahanah Indians, where they now Live be within the bounds of this province or not.

Proposed that the house appoint Some of the Members to Joyne in Committee with some of his Matys honble Councill to Inspect the accott of the mony given towards building the Church at Annapolis Viewing the worke still to be done about the Stadt house Vizt Galleries & Cupelo, to view the ditch, & gate houses &ca and settle one to keepe the same in Ordr and hoyst the fflagg. Two petitions for the said place being referred to the Consideration of the house, & that the Sevrall materialls gott towards the building of the Church and Schoole house be Likewise Viewed, being referred to the moddell of the Church made by Mr ffielder for their Directions in this particular, and do recommend that the said Mr ffielder be satisfyed for his pains & Trouble therein and at other tymes about Viewing the Stadt house &ca that some boards &ca be fitted upon the backe of the Kings picture to keepe It from the dampness of the Walls a Cover for It with Rayls about It, to have the Kings Arms in Like manner prserved by putting some boarde on the backe side thereof to keepe It from Rotting It is recommended that some care be taken about Regulating the Ordinary's, and that none be suffered except such as will comply with the Law.

That some Law or Ordinance be made for the better securing all Letters brought in by Masters of Shipps. That some better care be taken about Orphans & Encouragemt given to Coopers & Carpenters for want whereof there are
p. 15 given complaints from all parts of the Country Came from the house of Delegates Capt Hill, Mr Miller, Mr Smith, Mr

Hoskins Mr Staley and Mr Hall. Who brought the ffollowing Message (Vizt) Original Journal.

By the house of Delegates March the 15th 1697/8

We have sent six of our members to see the Navall Officers make Oath to their Accots and also to signyfye to the honble Boarde That we are of opinion that It will not be convenient to prohibite the exportation of Corne and provisions

Signd ꝑ Ordr
W Bladen Cl Dom Del

Came Mr Saml Watkins Navall Officer of puttuxent District, and Mr John Wast Navall Officer of pocomoke district, who prsented their Accots of the dutys by them Collected and made Oath thereto in prsence of his Excy and Councill and members of the house of Delegates sent for that purpose Brought also the ffollowing Message which was read, (Vizt)

By the house of Delegates March the 15th 1697/8

This house do desire that the honble Boarde will appoint some of their Members to Joyne with some of ours in Order to consider what Methodes will be best to be taken in Relation to our Neighbour Indians and for securing the ffrontier plantations

Signd ꝑ Ordr
W. Bladen Cl Dom Del

Ordered that the honble Colonel George Robotham Thomas Tench Esqr Colonel Charls Hutchins and Colonel John Addison to Joyne with some of the Members of the house to Consult about the Indians according to Request so soone as tyme and place is agreed on

Signd ꝑ Ordr
Hen Denton Cl Council p. 16

That there be a Certaine forme of oaths prscribed to be taken by the sevrall Officers of the province & Charge for that there be no Ordinarys kept in the Court houses where the Records are kept Especially Tallbott & Sommersett County Court houses, and that there be a Bricke Chymney to each Court house (if any at all), and that the said houses be rayled in & no others suffered to adjoyne to them That there be better prisons (if possible) neare the Court houses, or at Least to have a Cage there with a Whipping post and pillory &ca That some man be agreed with, to keep Each house for feare of

Original Journal. ffire &ca That the Trees that are Left in the middle of the Roads be cutt downe and that where there are Wast places, the Roads be cleared wider than Twenty foote.

That protestant servants that Live with the Roman Catholicks have Liberty to go to Church.

That there be an Ordinance of Assembly made to be published that the County has fully satisfyed all publicke debts and clayms though his Excy found the Country in Debt both in money and Toba upon score of the Revolution, and in Governour Coplys and Sr Edmond Andross tymes; Which is thought fitt to be done to prvent after Illegall Clayms, by reason there are some ꝑsons give out they are not yett satisfyed (Vizt) a man out of Calvert County for bringing up the Records, Major Dorsy, Robt Hancocks and others, Therefore It is also proposed that a Law be made to punish such ꝑsons as shall make such ffalse Reports And that the people be given to understand that where a bargain for any publicke worke is made the ꝑson Contracted with is to be Looked upon & not to have Every one such ꝑson Employs to trouble the assemblys accot

March the 16th 1697/8.

The Councill again Sate & were present

His Excy ffrancis Nicholson Esqr Capt Genll Coll: Henry Jowles Colonel George Robotham Thomas Tench Esqr
p. 17 Colonel Charls Hutchins, Col: Jn. Addison Thomas Brooks and James ffrisby Esqrs

Produced by his Excy to the boarde a Letter by him received from his Grace the Archbishop of Canterburry dated the 13th of 7br 1697. the part whereof was reade & Ordered to be Layd before the house Vizt

Sr Having this Opportunity I am Willing to Embrace It & to acknowledge by It the rect of yours by the Last Shipps I have spoken to the Attorney Genll about the Laws he will not be wanting on his parte & for that, Especially of ffree Schools nothing shall be Wanting. Produced & read a Lre by his Excy received from the Right honble the Lords of the Councill for Trade & fforraigne Plantations baring date the 17th day of 9ber 1697 the following paragraphs were Ordered to be drawne out and Laid before the house (Vizt) that about pusall of the Journalls Lawes, that about Coines & that about Soldiers and White servants.

March the 17th 1697/8

The Council again Sate and Were prsent as yesterday.

Except Colonel Addison, who after came & was added. His

Ex^cy is pleased to acquaint the boarde that he has heared Sev^rall Reports of my Lord Baltemores being Restored to the Government herewith has given Occasion to the Roman Catholics & other disaffected ꝑsons to be high & Lofty & not only breeds great Dissatisfaction among his Maj^tys good Subjects here but tends to the disturbance of his Maj^tys happy Government here Established, and is also pleased to acquaint them with a Message Lately brought from the house by Major Walter Smith & M^r Benj^n Hall to the Clke of the board for some Councill papers which his Ex^cy is pleased to say he takes to [be] an Improper thing without his privity & consent & Ordered the Messengers to returne that Answer to the house whom he thinks to send for to conferr w^th them about some other Matters & Intends Likewise to talke with them about some other things. Original Journal. p. 18

Read over the Sev^rall proposalls Considered at this board, & read over the 15^th Instant which were Ordered to be Laid before the House together with sev^rall other papers formerly ordered to be referred.

A Lre from one M^r Lutton to his Ex^cy about Turkyes, Wild Deer &^ca read.

His Ex^cy is pleased to direct the hon^ble Thomas Tench Esq^r & Colonel John Addison to go & Command the Speaker, & the whole house to attend his Ex^ncy in Councill presently or otherwise to Signifye, that if the Speaker was very much indisposed (as It is rep^rsented) that he is not able to come so farr, his Ex^cy is pleased to Signifye that he will come downe to the Speakers Chamber.

The said Gent^n Returne & say they have delivered their Message & that the speaker is so very Ill he is not able to come so farr th^t the house do say they will send a message by some of their owne Members.

Which answer being brought by M^r Walter Campbell & M^r Carvile (Viz^t)

By the house of Delegates March the 17^th 1697/8.

This house considering the sickness of our Speaker if your Ex^cy pleases to condescend so farr as to come downe to the Speakers Chamber we shall be ready to receive your Ex^cy

Signd ꝑ Ord^r
W Bladen Cl Dom Del

His Ex^cy is pleased to go attend with the Gent^n of his hon^ble Councill to the speakers Chamber where being placed he is pleased to acquaint them that since they Were Last in Conferrence he had rec^d some Lrs: out of England which he thought fitt to communicate to the house & accordingly was read part of the Letter by his Ex^cy rec^d from his Grace the p. 19

Original Journal. Lord Archbishop of Canterbury & sev^{r}all paragraphs of the Letter sent from the R^{t} hon^{ble} the Lds of the Councill for Trade securing Coppies thereof for the consideration of the house.

Then he was pleased to tell them of the Co͞mon discourse & report up & downe the Country about my Lord Baltemores having the Government again to the arousing & disturbance of the Inhabitants, which he recommends to y^{r} consideration.

M^{r} Luttons Letter about Turkys, & Wild Deer severall Gazetts from Ireland.

Sev^{r}all Clauses in a Letter from Doctor Bray rec^{d} relating to the Affairs of this Province as to Ecclesiasticall Matters.

Some Clauses in a Letter from the hon^{ble} & R^{t} Reverend the Lord Bishop of London read.

His Ex^{cy} is pleased to tell the house that the Verball Message to the Clk of the Councill for some papers which he hopes & takes rather to be a mistake of theirs that otherwise which he tooke to be after an Improper Manner in the Way than taken.

That if they have any dispute about the Kings ꝑro^{r}gative they should Lay the same before the Lords of the Councill for Trade & fforraigne plantations which is the way to have such matters decided.

His Ex^{cy} & Councill Returne backe to the Councill Chamber M^{r} Hall, M^{r} Loydd bring the ffollowing message from the house of Delegates Viz^{t}

By the house of Delegates March the 15th 1697/8.

This house humbly desire his Ex^{cy} will be pleased to order the Clk of the Councill to deliver to our Members herewith sent a Copy of his Maj^{tys} Lawyers Opinion in Relation to Attorneys for the ꝑusall of this house. Signd ꝑ Ord^{r}
W Bladen Cl Dom Del

p. 20 Ordered that the Clk del^{r} a Copy of the said to the af^{d} Gent for the ꝑusall of the House and the same was accordinly delivered to them.

Proposed that a Law or Ordinance pass ag^{t} these people th^{t} ꝑswade or entice the people out of the province Instance Maj^{r} Dan^{ll}son & M^{r} Clarke att the hore kills & others.

That the house would advise about the provin^{ll} Justices how they shall be ranked &^{c}

M^{r} Lowe & M^{r} Hawkins desire to be Lower.

Mar^{ch} the 18th 1697/8. Original Journal.

The Councill again Sate & were p^{r}sent as yesterday.

Read a Petition of the Vestrymen of S^{t} Pauls Parish in Kent County shewing the Inconvenience of the bounds of the s^{d} Parish w^{ch} they pray may be altered

Ordered the s^{d} Petition be referr'd to the Consideracōn of the house of Delegates at being also recomended to the House that enquirey be made whether some other parrishes in this Province lye not under the same unhappy Circumstances.

The Petition of Jn^{o} Perry about his house is read & granted ꝓvided the house of Delegates Assent thereto to whom itt is refferr'd

Brought from the house of Delegates by M^{r} Hawkins & M^{r} Jenkins the following message Viz^{t})

By the house of Delegates Mar^{ch} 18th 1697/8.

For as much as this house did give Instructions to their sever^{ll} Members to debate in the Com̄ittee with his Maj^{ty} p. 21 hon^{ble} Councill whether itt might not bee thought fitt to discontinue the Rangers at the Garrison att Potomeck and strengthen those frontier plantacōns by placing some ꝑsons there Constantly to reside upon reading the report of the s^{d} Com̄ittee Wee doe not find that the same hath been as yett debated. Therefore we humbly desire yo^{r} Ex^{ncy} & his Maj^{tys} hon^{ble} Councill to direct yo^{r} members to Continue the Conference wth ours.

Sign'd ꝑ Ord^{r}
W Bladen Cl Dom Del.

The Gent of that Com̄ittee were Ordered further to Consult that matter.

Also the following Message Came from the house by M^{r} Mich^{ll} Miller & other members Viz^{t}

By the house of Delegates Mar^{ch} 18th 1697/8

Wee have appointed our members herewith sent to joyne wth some of the hon^{ble} Board according to ꝓposall to Inspect the Acc^{t} of the Money given towards building of the Church att Annapolis Viewing the worke still to bee done att the State House &^{ca} & have sent them to acquaint yo^{r} Hon^{r} therewth & that Wee desire they should meet this afternoon att Coll^{o} Robothams Chamber in order to make Reporte thereof to the House.

Referr'd for further Consideracōn.

Signed ꝑ Ord^{r}
W Bladen Cl Dom Del.

Original Journal. The honble Collo Hen: Jowles Tho: Brook & James ffrisby Esqr appointd to joyne in the sd Com̄ittee

p. 22 It is ꝑposed by this Board that a Law bee made for the most expeditious & easiest way of trying & deciding Differences between Mrs and Servts & Servts & Mrs there appearing no absolute necessity for the same as by a Case happening before this board sitting att a Court was heard & determined this night. Vpon perusall of the sevll County leavy this year: It is recom̄ended to the house to consider whether the late practice of sending out Venire facias's from the County Courts agt servts & others tht have bastards may not be too Chargable and dilatory Way of ꝑceeding: therefore ꝑposed tht a more expedious way bee found out if possible to hear & determine such matters.

Itt is likewise recom̄ended tht some means or other bee used to restraine the refractoriness of Seamen.

The honble Thomas Brooke Esqr upon his Applicacōn leave to retire home.

Att a Councill in a Genll Assembly
the 19th day of March 1697/8.

The Councill again Sate & were all prsent as yesterday except the honble Tho: Brook Esqr

Brought from the house of Delegates the following Message by Mr Campbell Mr Lane Mr Hickes Majr Lowe Mr White Mr Carvile Mr Tilghman Mr Elisha Hall Mr Samll Young Mr Whittington Mr Wilmer & Mr Jenkins Vizt

To his Exncy ffrancis Nicholson Esqr and his Majtys honble Councill.

p. 23 The humble Address of all the Delegates of his Majty province of Maryłd now in Assembly sitting

Whereas It was complained to us that Mr George Plater Mr William Dent & Mr Robert Goldsborough had signed a certain oppinion about Law which yor Exncy was generously pleased to lett us have att our Request this house upon full hearing of them their arguments and Presidents have resolved that it is a very dangerous opinion giveing Liberty to the depriving and forejudging his Majties Subjects of their ffreehold and livelyhood upon bare suggestions without any presentmt of their Peers and to the exasperateing yor Exncy against his Majtys Justices of this province for ꝑtecting people in their Rights according to their oathes to the great Vexation of his Majtys Subjects & dishonour of his Majty. But if yor Exncy & Councill will at the humble Address of his Majtys Subjects shew such marke of yo^{r} Displeasure to them as as to Consent with this house that yo^{r} Gent^{n} each of them pay ten shillings apiece to our Serjeant at Armes and suffer the said Paper to be burned and receive M^{r} Crawford to yo^{r} Ex^{ncy} favour you will give us occasion to magnifie yo^{r} Justice and readyness to p^{r}serve our Rights and to be always tender of yo^{r} Ex^{ncy} Hon^{r} and to pray for yo^{r} long Continuance amongst us Original Journal.

Signed ꝑ Ord^{r}
W Bladen Cl Dom Dell.

Munday Mar^{ch} the 21th 1697/8. p. 24

The Councill again sate and were p^{r}sent as yesterday. Upon representacōn th^{t} the sever^{ll} sheriffs doe grieviously burthen the Inhabitants of this his Maj^{ty} Province in Charging excessive fees especially upon ꝑsons lying under Execucōn where they usually charge twenty a day during their Imprisonment for each particular Execucōn the Prisoner is served wth therefore ꝑposed th^{t} a Law bee made to redress such Grievance asserting the fees and punish the party transgressing

By his Ex^{cy} the Gov^{r} & Councill in
Assembly March the 21th 1697/8.

His Ex^{ncy} is pleased to Cōmand M^{r} Speaker & the whole. house imediately to attend him in Councill to settle the matter about the Indians Reported by the Cōmittee being one of the principle things for w^{ch} the Assembly was Called

Sign'd ꝑ Ord^{r}
Hen : Denton Cl Concil.

Thomas Tench & James ffrisby Esq^{r} sent with the sd Message.

Who returne & say they delivered their message & th^{t} the house had adjourn^{d} till twelve o Clock.

Brought from the house of Delegates by M^{r} Hen : Hawkins and four other members the following Bills Vizt A Bill appointing Court dayes in each respective County &

A Bill for reviving Cæcill County process &

A Bill for Restraining the Extortions of Sherriffs and the following Message Vizt

By the house of Delegates
Mar^{ch} 19th 1697/8.

May itt please yo^{r} Ex^{ncy} p. 25

Upon reading the farther Reporte of the Cōmittee concern-

Original Journal. ing the Indians this house Confiding in yo^{r} Ex^{ncys} good Conduct and well knowing you never exposed us to unnecessary Charges doe humbly referr itt to yo^{r} Ex^{ncys} Discretion to Continue the Rangers att New Scotland at such place as you shall think fitt untill the Indians doe come in (but humbly advise that it may bee so near the Inhabitants that they may heare any allarm upon occasion And that upon Accomodacōn with the Indians yo^{r} Ex^{ncy} will be pleased to call in those Rangers whom this house do not think fitt further necessary to be kept out
Sign'd ꝑ Ord^{r}
W Bladen Cl Dom Del

Brought from the house of Delegates the following Message by m^{r} Staly & M^{r} Young.

By the House of Delegates Mar^{ch} 29th 1697/8

May itt please yo^{r} Ex^{ncy}

Vpon reading a certaine Letter from a Reverend Minister of the Church of Eng^{ld} which yo^{r} Ex^{ncy} was pleased to com̄unicate to us Complaining to yo^{r} Ex^{ncy} that the Popish Priests in Charles County do of their own Accord in this violent & rageing Mortality in that County make itt their business to goe up and the County to ꝑsons houses when dying & frantick and endeavour to seduce and make prosellites of them & in such Condition boldly presume to administ^{r} the Sacrament
p. 26 to them Wee have putt itt to the Vote in the house if a Law should be made to restrayne such their p^{r}sumption or not and have concluded to make such Law at p^{r}sent but humbly Intreat yo^{r} Ex^{cy} that you would be pleased to Issue your proclamation to Restrayne and prohibite such their Extravagant and p^{r}sumptious behaviour.

Signd ꝑ Ord^{r}
W Bladen Cl Dom Del.

Brought from the house of Delegates by M^{r} Mill and three other members the following Message Viz^{t}

By the house of Delegates March the 21st 1697/8.

Yo^{r} Ex^{cys} Commands to attend you in Councill sent by by the hon^{ble} Thomas Tench and James Frisby Esq^{rs} We have received and assure your Ex^{cy} that We are very ready to obey them; But for as much as our Speaker cannot Without Manifest Danger of his Life venture out so farr from his Chamber. We humbly desire your Ex^{cy} will be pleased to deferr such our Waiting upon you for a Day or Two hoping in that tyme our Speaker may be better able to attend your Ex^cy with the house. Original Journal.

We conceive the only thing about the Indians unresolved is what should be done in Case they do not Come in. If It be so We humbly Address yo^r Ex^cy that we may be admitted to debate it here and send our Resolutions therein to yo^r Ex^ncy and his Maj^tys hon^ble Councill.

Signd ꝑ Ord^r.
W Bladen Cl Dom Del.

In Answer to which.

By his Ex^ncy the Govern^r and Councill in Assembly. March the 21. 1697/8. p. 27

The Message by M^r Miller and three other of the houses Members this Day sent was rec^d and here read.

This Board being willing to Answer the houses request in defferring the conferrence about the Indians for a day or two longer but w^th all doe Signifie there are Severall other Matters which will be then allso Necessary to be considered.

Signed ꝑ ord^r
Hen: Denton Cl Councill.

It is remarqued that the request of the House for deferring the Conferrance by reason of the Speakers being sick is an Unparliamentary way of proceeding

The reporte of the Committee about Indian Affaires read.

And upon reading the second Article Advised that the way about Sending to the Indians be consulted.

The third Article is agreed to and recommended the said Rangers be paid off.

And it being considered after What Manner the Indians shall be treated with and how sent to. if his Ex^ncy the Govern^r of Virginia doe not consent to Suffer any persons to goe through that Govern^mt to them.

That the withdrawing or keeping the Rangers at the Garrison at Potomock be Considered.

A bill for restraining the Extortions of Sherriffs read the first time and recommended that a clause therein be added to restraine the Sherriffs from enacting double ffees from prison^rs and it hath been represented the Sherriffs of Talbott County have done making persons that haue layn under two or three Sev^rll Executions pay so many Twenty pounds of tob^o ꝑ day for ffees as there were Executions, and it is recom̄ended allsoe that a Clause be added for regulating the p. 28

Original Journal. Clerk of the Indictmts ffees in Sending out soe many Vinires for creating ffees be incerted.

A Bill for reviuing Cæcill County process read the first tyme and will pass with Ammendmt

March the 22d 1697/8.

The Councill again Sate and were prsent as Yesterday.

That Inquiry be made whether Major Ennalls his Vessell has pd the dutys or not, Some of her Owners being said not to be of this Country.

By his Exncy the Governr and Councill in Assembly March the 22d 1697/8.

This Board having appointed the honorble Coll George Robotham Thomas Tench Esqr Coll Charles Hutchins and Coll Ino Addison as a Com̄ittee for considering the Drawing up a bill for the better Regulating the Millitia within this Province do desire the House would appoint Some of their Membrs to Ioyne with them therein.

Signed ꝑ Ordr
Hen: Denton Cl Councill

Sent by Coll. Robotham and the other Gent. appointed

p. 29 Brought from the house of Delegates by Doctor Lockerman and some other Members the following Message.

By the house of Delegates March 22d 1697/8

Yr Exncys pleasure by the honorble Coll. Henry Jowles Chancellr of deferring the Conferrence about the Indians for a day or two longer We have recd ffor wch Especiall fauour of yr Exncys to this house We giue you our Most humble & hearty thanks.

Signed ꝑ ordr
W Bladen Cl Dom. Del.

Also this Message Vizt

In Answer to the Message Sent by the honorble Coll. Robotham and Thomas Tench Esqr desireing this House to appoint some of their Members to joyne with Some Gentn of his Majties honorble Councill to Consider of drawing up a bill for the better regulating of the Millitia of this Province. The House being resolved into a grand Com̄ittee upon mature Debate have resolued unaminously that the Old Law stand as it is without any manner of Alteracon.

Signed ꝑ Order
W Bladen Cl Dom. Del.

A peticōn of W^{m} Mabb Command^{r} of the Shipp Recouery of London being p^{r}sented to this Board and read Signifying thereby his haueing Made Entry of his Vessell wth the Officers at Petuxant and there lodged Certificates and Cocquetts and giuen Bond for the Country Dutys and performed what the law requires and his Busieness leading him to Choptanck River he was there denyed to unloade and trade notwithstanding such his unless he would make a new Entry in that Port for all which he humbly prayed redress. Original Journal. p. 30

Whereupon the s^{d} Matter being fully considered by this Board and hauing perused and Inspected the Certificate and ꝑmitt granted by the said Officers for Unloading the s^{d} Vessell &^{ca} Doe thinke the same altogether insuffitient to Warr^{t} his unloading trading or taking on Board any tob^{o} not hauing Expressed whether the s^{d} Mabb had produced legall Certificate of his giuing Bond in England nor that he had passed Bond for the Dutyes of this Country &^{ca} Upon w^{ch} Acc^{t} he now lyes lyable to Seizure; w^{ch} is thought fit to be remarqued for a Caution to the said Offic^{rs} for the future And for as much as the s^{d} port of W^{m} Stadt is taken by this Board to be a Distinct and proper port of Entry, and all Shipps and Vessells coming there directed to make theire Entry Accordingly.

Ordered therefore that the Officers of Petuxent District afs^{d} doe upon Sight hereof render up to W^{m} Mabb the Peticōner as well the Certificates, Cocquetts all other papers lodged wth them at his Entry as also what Bonds he there passed for any Dutyes or otherwise in order to be cancelled, whereby he may be Enabled to make his Entry According to Law in the Proper place Assigned

Read the following Bills brought from the house viz^{t} A Bill for Stay of Executions: Read the Second time and will pass wth Amendment. p. 31

A Bill for dividing S^{t} Paules and Shewsberry ꝑishes read the first tyme and passed without Alteracōn

A bill for Empowring the Com^{rs} of the County Courts to leavey and raise Money to defray the Necessary Charges of their Countyes, read the first time and will pass with Amendment

March the 23^{d} 1697/8.

The Councill again Sate & were p^{r}sent as yesterday Upon reading M^{r} Mason Le^{t} and Accompts this day sent from the house by M^{r} Hutchinson and others. This Board do not find that he hath returned any Acc^{t} but was before Exhibitted and Sworne to last Assembly, therefore see a necessity that the s^{d} M^{r} Mason be sent to, because it is thought fitt that all the

Original Journal. Publique Acc^ts^ be settled before the breaking up of the Assembly.

(Reflections being made in England how the publique money is disposed of) and the s^d^ M^r^ Mason is not able to discharge his duty of Treasurer, that then some other person be Appointed in his Stead.

Cap^t^ Richard Hill M^r^ Phillip Clarke M^r^ Symon Wilmer & M^r^ W^m^ Hemsley bring Lev^t^ Coll. Jn^o^ Thomson to make oathe to his Publique Acco^ts^ who made oath thereto Accordingly.

p. 32 Upon reading the houses Answer to Sev^rll^ proposalls from this Board (Advised) that some proposall be made to the House ab^t^ the Indians living at the head of Potomock and Susquahanah that the same may be sent to the Govern^r^ of New Yorke

Brought from the house of Delegates the following Bills Viz^t^

A Bill for the better dividing S^t^ Pawls and Shrewsbury parishes and read the 2^d^ tyme and passed

A Bill Empowering the Com^rs^ of the County Courts to leavy and raise money to defray the Necessary Charges of their Countys read and passed

A Bill for reviving Cæcill County process read the second time and passed

A Bill for restraining the Extortions of the Sherriffs Subsherriffs and Deputy Cōmissary's read the second time and passed

A Bill for Stay of Executions read the Second time and passed

A Bill for Securing the Perochiall Lyberaryes of this Province &^ca^ Read the first time and it is remarqued that the former law ought to be repealed

By his Ex^ncy^ the Govern^r^ & Councill in
Assembly March the 23^d^ 1697/8

This Board Require the house would Send up Some of theire Memb^rs^ to conferr about Settling the Courts and that they would bring the bill Appointing Court days w^th^ them

Signed ℘ Ord^r^ Hen: Denton Cl Co^ll^

Sent by Esq^r^ Tench Esq^r^ ffrisby with the bills now read Severall

p. 33 Sev^r^all Resolves of the house upon proposalls sent from this Board have been here rec^d^ read and parte of them remarqued as followes

1^st^ Viz^t^ The Resolue that Servants have Justice done them by way of Peticon

It is remarqued that their is noe law to warr^t^ th^t^ way of proceeding as by a late tryall in a Court of Appeals at this Board has been Suffitiently argued and determined but may by a law be Supplyed Original Journal.

2^d^ The resolue touching ordinary keepers

This Board Supposeing it to be a matter of consequence and Concern the Country Desire a Conferrence ab^t^ it

3. The resolue in answer to the proposall ab^t^ Securing Letters the Same being adjudged to be a Matter of so great concern both to his Maj^ty^ and the Country, A Conferrence is necessarily required thereon.

Upon reading the houses Answer to a Message from this Board Sent for Appointing certain Members to Draw up a bill for the better Regulating the Militia

It is reckoned a Matter of So great Importance to the Country that a Conferrence is required w^th^ the whole House for Settleing thereof

This Board want to know what Greiuances the House has rec^d^ from the Severall parts of the Country

Expecting to peruse that Comittees Journall as well as the House of Delegates

There is noe Answer Yett giuen to the Lords of the Councill p. 34 of Trade and Plantacōns Lre lying before you ab^t^ Appointing an Agent for the Country in England Nor have you Considered of Employing Some Able Lawyer in England to put the Laws into better and Apter Language being a thing much Complayned off

By his Ex^ncy^ the Govern^r^ and Councill in
Assembly March the 23^d^ 1697/8

Upon the again reading and reconsidering the houses Address about the oppinion of his Maj^ties^ Lawyers in the Case of M^r^ James Crawfordes Suspension &^ca^ as to the first part therof His Ex^ncy^ does Say that if the house can Make out by law that those Gent^m^ have in any perticular infringed or broaken the same he p. 35 is cancelled in Orig. MS. will in noe wise protect or Shelter them but leave them open to Justice But as to the leavying a fine upon them, this board is of Oppinion is a thing of Dangerous consequence without a known Law however doe intend to lay before the House Some Matters that are rightly Greivances Viz^t^

Concerning Severall County Justices levying tobacco upon the people directly contrary to law. As to M^r^ Crawfords owne particular he is allready restored to his practice upon the Ioyfull and happy News of the peace. But if the House doe hold it not to be in the Kings prerogative to Suspend Att^rs^ in this Province

Original Journal. where the same is not allready giuen away They may lay the case before the Right hono^rble^ the Lords Com^rs^ for Trade & fforraign plantacons for his Maj^ties^ Cognizance from whome p. 36 they need not fear any other then a just & legall Determinacōn both in this and all other Matters of the like nature Lastly It is Demanded of the House to make answer whether all their Members were privy and consenting to the aboue mentioned Address Nemine Contradicente, as in the Same they seeme to Sett forth

Signed ꝑ Order
Hen: Denton C S. Council

That the proposalls yett Unanswered be drawn out It being Supposed that the Indians which liue at the head of the bay and back of Potomock are Scattered people comeing from the Nations of Indians Seated near Yorke, Therefore that it be proposed to the house that Some enquiry be made and Cognizance taken thereof to the end his Ex^ncy^ the Govern^r^ of New Yorke may be acquainted therewith

That it be proposed to the House which way the Armes now coming in shall be Disposed of The ord^r^ for paym^t^ of Cap^t^ Bowlings Bills of Ex^a^ read and be discoursed of at the Conferrence

the Instrum^ts^ drawne up by Maj^r^ Dent ab^t^ building the Church and Schoole house being perused by Maj^r^ Dorsey he does say the Carpenter & Brick layer are willing to agree to every particular Saue one clause ab^t^ the free Schoole which is more then expressed in the former Contract Ordered it be layd before the house at the Conferrence

Address to his Ex^ncy^ for redress of some Agrievance read.

p. 42 This Board take into Consideracōn the Severall Heads to be Discoursed on at the Conference with the House about the Indians Viz^t^

1^st^ It is Thought no ways advisable to send to the piscattaway Indians by an Indian.

2^d^ It is thought necessary to Send to his Ex^ncy^ S^r^ Edmond Andross his Maj^ties^ Gov^r^ of Virginia first but by whom and after what Manner the s^d^ Indians shall be treated w^th^ to be Considered

3^d^ If his Ex^ncy^ S^r^ Edmond Andross should refuse to giue leave for a treaty, that then It may be thought necessary to represent the whole Matter to his Maj^ty^

4^th^ If the Indians upon Sending to them should not come in ti's to be Considered what then is to be done.

5^th^ Whether to continue the Rangers at the Garrison or bring them downe among the ffrontier plantacōns, to be con-

Original Journal.

sidered of at the Conferrence, but thought that for Making the way Smooth to them, It will be better that they be drawne off to the head of the Branch or Stodderts Plantacōn, and that Coll. Beale and a Levt under him Com̄and a party of Six men, and owens Six more as will be thought Suffitient.

Upon the again reading a Message from the House of the 9th Instant relating to the Indians & comittees Report thereon His Exncy is pleased to returne for answer, that he gives the House thankes for their good Oppinion of him And hopes that they Shall never haue reason to Say that either himself or any of his Majtys honorble Councill will nevr putt the province p. 43 to the least unecessary Charge more then wts needfull both for his Majtys honor and Service and Safety and Welfare of the Country.

March the 24th 1698.

The Councill againe Sate and were present as yesterday The Severall answers to the houses Resolves & Sundry Messages last night drawne up were produced fair writt out and were read this Morning & sent to the house by the honble Thos Tench Esqr & Colonel John Addison together wth the bills yesterday read, and an Acct of wt proposalls have not yett been answered.

Upon Representation that a Brigantine named Hare belonging to Major Thos Ennalls & others hath lately Imported Sundry Barbadoes goods for wch no dutyes have been paid, Out of pretence that the said Vessell wholy belongs to Maryland Owners, but by Information hath two or three other persons that are no Inhabitants owners, whereby the imposition of 4d gallon Justly due hath been excluded; Ordered that the sd Matter be referred to the Comittee of accts to inquire into it and Secure the dutyes due and payable to the Country.

The Messengers Returne and Say that they delivered their Message and that the Speaker (if possible) will attend at the State house some time to day.

Brought from the house of Delegates A Bill for Rectyfieing the ill practices of Attorneys &c by Mr Harris Major Hammond and other Members

Which sd Bill being read a Conferrence is desired thereon. p. 44

The sd Messengrs Signifie that they are appointed by the house to Confer wth his Majties honble Councill about Settling the Courts &c pursuant to Com̄and this day Received from the board.

Whereupon the honble Colonell Jowles Col. Addison and

Original Journal. Esq^{r} Frisby are appointed to Joyne wth them in the Conferrence, who being Mett, The members from the house Signifie that they Cannot proceed in the Conferrence untill they have acquainted the house the heads of w^{t} they are sent to Conferr about, w^{ch} being by ord^{r} Writt out was dd. to them to be Com̄unicated accordingly.

The houses Mem^{brs} repair to the house & againe Returne upon the Conferrence, and Signifie that the house have amended the ffyne in the s^{d} Bill but Can̄ot agree to any other Alteration, which if required they are resolved to Stand by the old Law.

The house having been acquainted that his Ex^{cy} was Ready for the Conferrence ab^{t} the Indians and other Matters. M^{r} Speaker wth the other Memb^{rs} came up accordingly

To whom his Ex^{cy} is pleased to say that one of the provincial Matters for w^{ch} he called the assembly was to Settle the Matter abought the Indians. Which he thought no bett^{r} p. 45 way of doing then by a Conferrence wth the whole house, upon w^{ch} Occasion he had now sent for them, and the first thing he conceived to be Considered, Was how the said Indians should be sent to.

Whereupon M^{r} Speaker acquaints his Ex^{cy} that the house has Considred of the Matter and agreed to leave it wholly to his Ex^{cy} and thought It necessary that his Ex^{cy} S^{r} Edmond Andross his Maj^{ties} Gov^{r} of Virg^{a} should be sent to to get leave for some persons from hence to goe to the piscattaway Indians w^{ch} they desire may be done by English, and that they may be asked whether they will Come in or not but if they refuse to Come in they do advise not to break out into a Warr wth them: Upon w^{ch} his Ex^{cy} says he must put the Country to the Charge of calling another assembly besides their owne Trouble, therefor thinks it bett^{r} to settle that point before they break up, and upon M^{r} Speakers Motions to his Ex^{cy} that he would please to give his Sence in that Case of the Indians not Coming In.

His Ex^{cy} is pleased to say that if they will not come back he must take them to be Enemies to this Governm^{t}

The Conference being ended and the Memb^{rs} departed to the house.

Produced and read a L^{re} from the Hon^{ble} S^{r} Thomas Lawrence Bar^{t} Secry wth an Inclosed Resolve of the house of the 23^{d} Ins^{t} for his attending the house on friday in the afternoone &c. to Satisfie them how his hon^{r} and M^{r} Charles Carrol Clk of the Lord Baltimores land office do both demand the full fees for patents. Whereupon his Ex^{cy} is pleased to demand of the board whether they doe think themselves oblidged to answer and obey such summonds w^th^ out his Imediate leave & knowledge Who say they beleive not. And the s^d^ S^r^ Tho^s^ La^r^ w^th^ his answer upon the s^d^ Resolve by him Intended to be sent to the house being Consid^r^ed, the same is well aproved of by this board. Original Journal. p. 46

1. About Clerks keeping the County recorde at their own houses though very inconvenient & Dangerous

2. About Talbott County Co^rt^ house His Ex^cy^ is pleased to say that he is Sorry th^t^ you should Consent for the Kings Court to be kept in an ordinary to the great Scandall of all persons and Strangers coming there how ever he is glad that the County Records are Kept In so many of the Co^rt^ houses w^ch^ hopes will for the same Reasons af^d^ be an Inducem^t^ for the rest to be kept in like Mann^r^ Recom̄ending that where the Chymneys of Any Court house are not brick the same [not] to be made use off

3: They have not Consid^r^ed ab^t^ a man to look aft^r^ each Court house

4: Proposed that the Wett places in the Roads be cleared 20 foote of each Side wid^r^ then the Roade mem. to put in the procl: the houses Remarke ab^t^ protestant Servants living w^th^ Romish Masters &c going to Church

5. The ordinance of Assembly proposed about publishing that the Country has fully Satisfied all publick claimes &c: This board are of openon that they take itt to be so far from being an Act of Assentation that they beleive it to be a Matter of Absolute Necessity for that there are Severall persons now claimeing and pretending Arreares. Viz^t^ Capt^t^ Sly to the value of forty thousand pounds of Tob: that men out of Calvert County for bringing up the Records, and Sev^rll^ other besides this Board doe think that that Law for divulging false News will be of no use in this Case untill such publique Declaracōns made. p. 47

S^r^ Thomas Lawrence's Lett^r^ to his Ex^ncy^

S^r^ I haue sent your Ex^cy^ the Sum̄ons, I rec^d^ from the House of Delegates; Wherein I think they haue Used the Same Consideracōn and prudence as when they Sent to M^r^ Denton for Ord^rs^ of Councill without your Ex^ncys^ leaue I haue added a Coppy of the Lett^r^ I Intend to Send to you home by my Cll. if your Ex^ncy^ Approue of it. I am

Your Ex^ncys^ humble
Thomas Lawrence.

M^r^ Speaker

I haue rec^d^ a Sum̄ons from the Clerke of the House of Delegates to Attend the House on ffryday next in the Affter-

Original Journal. noone, but I know not by what Authority Since you haue neither asked his Ex^ncys^ Leaue nor haue his ord^r^ for soe doing: I am of Oppinion thô the Gentlemen of his Maj^ties^ Hono^ble^ Councill in Assembly haue theire Rights and priviledges as well as the Gentlemen of the House of Delegates, and are to giue answers in theire places; howeuer to shew you how ready I am to giue you Satisfaction in your Demand, I haue sent my Cl. w^th^ the Kings Ord^r^ for your ꝑusall and doe acquaint you I haue taken As Yett noe ffees at all relating to pattents Sauing the ffee for records to Such as M^r^ Carroll Sent me, and which I returned to him again which I am Informed I haue the Sole Right to take and detaine since I am only Comãnded by his Maj^ty^ to record them, If M^r^ Carroll take the Same ffee of an 120^l^ for Entering the pattents, Lett him Answer for what Law he does it for, I haue no part of It This is S^r^ what I haue to Offer you from

Your Humble Servant
Thomas Lawrence

p. 48 Die Mercur 23° Martis. 1697/8.

By the house of Delegates.

Resolued that the Cl. of this house giue notice to the hon^ble^ S^r^ Thomas Lawrence Bar^t^ his Maj^ties^ Secretary of this Province and to M^r^ Charles Carroll Cl. of his Lordsp^s^ Land Office to Attend the House on ffryday fn the Affternoone in ord^r^ to Satisfie them how they both demand the full ffees for Pattents.

Signed ꝑ Ord^r^
W Bladen Cl Dom Del.

March the 25 1698.

The Councill againe Sate and were present as Yesterday Brought from the house of Delegates by M^r^ Benjamen Hall and other Members the following Messages

By the House of Delegates March the 25, 1698.

This House haue againe taken into Consideracõn the Matter of the Piscattaway Indians, and doe think it soe Inconsid^rble^ that they doe not much regarde whether any Message be Sent to them or not, or whether they doe come in or Stay out. Yett if your Ex^ncy^ thinks fitt to send to S^r^ Edmond Andross his Maj^ties^ Govern^r^ of Virginia to haue leaue to send through his Govern^mt^ to them, We Leaue the Same to your Ex^ncys^ better Judgment.

At p^{r}sent We do not conceiue it advisable to Inhibite those Original
Indians from coming and going to & fro in this Province as Journal.
formerly soe long as they shall peaceably Demeane themselves. And as a Meanes the better to Induce them to Come in We humbly advise that the Rangers at the frontiers of Potomock may be forthwith called in (or if Y^{r} Ex^{ncy} think fitt) that those ffrontier Plantacōns may be Strengthened by posting them or such like number of Men there for Their better
Security as by our former Message We haue humbly Sub- p. 49
mitted to yo^{r} Ex^{ncys} Discretion.

Signed ꝑ Ord^{r}
W Bladen Cl. Dom Del.

By the house of Delegates March the 24th 1697/8

This house is already Satisfied wth the Returne which M^{r} Mason has made being very Sensible that he has not rec^{d} the Nav^{ll} Officers Acc^{ts} nor is it possible for him to send to the Sev^{ll} Sherriffs on the Westerne Shoare and Transmitt his Acco^{ts} Hither before such time as it is hoped this Session will break up.

Signed ꝑ Ord^{r}
W Bladen Clk of the house of Delegates.

In Answer whereto

By his Ex^{ncy} the Govern^{r} and Councill in Assembly. March the 25th 98. The houses Answer in relation to M^{r} Mason was recd & here read; to w^{ch} his Ex^{cy} is pleased to Say that M^{r} Mason has been Sev^{ll} tymes sent to & has had diverse notices tyme enough to haue gott all his Acc^{tts} ready but it apearing an absolute negligence in the s^{d} M^{r} Mason in not sending them according to time, This Board doe not think him a fitt ꝑson to be Continued in that Station of Treasurer and if any of the nava^{ll} Officers haue not done their Duty, His Ex^{ncy} will take Care to Displace them

Signed ꝑ Ord^{r} H: D: Cl Co^{ll}

By his Ex^{ncy} the Govern^{r} & Counc^{ll} in Assembly
March the 25th 1698.

Message this Day Sent by M^{r} Benj^{n} Hall and others concern- p. 50
ing the Indian Affaire was rec^{d} and here read to which this Board can giue noe answer at p^{r}sent until the house has Signified their Oppinion upon the Com̄ittees Report relating to that matter.

Signed ꝑ ord^{r} H: D: C: Cl.

Original Journal. The houses reply to the answer of this Board upon the Address in the case of Iames Crawford was read, & referred for further Answer.

By the House of Delegates March the 25: 98.

We haue Rec^{d} y^{r} Ex^{ncys} Answer to our Address in Relacõn to his Maj^{ties} Lawyers wherein your Ex^{ncy} seems to reflect, as if this house was partiall in rep^{r}senting the Grievance of this Province when at the same time Y^{r} Ex^{cy} is Sencible that a Bill is passed by this House to p^{r}vent that Grievance you make mention of in Y^{r} Answer. As for his Maj^{ties} Prorogatiue, We hope we shall haue regarde at all tymes as we shall haue for our owne rights & Priviledges.

We were in great hopes to haue had a more Satisfactory Answer from Y^{r} Ex^{ncy} upon So great an Infringment upon o^{r} Rights and Libertyes, but we haue done our duty in rep^{r}senting the Same to your Ex^{ncy} and shall proceed no further then by leauing our Vote upon Iourn^{ll} to assert th^{t} Right & Liberty w^{ch} before this time was never questioned from that very first Seating & Inhabiting this Province as to Y^{r} Ex^{ncys} Demand, whether all the Memb^{rs} were privy and Consenting to our Address is soe Unparliamentary that we must begg y^{r} Ex^{ncy} to Excuse our not Answering. We are wth all Dutifull respects Y^{r} Ex^{ncys} Most obe: Serv^{t}

Signed ꝑ Ord^{r}
W Bladen Cl. Dom Del.

p. 51 A Resolue of the house being produced and read for payment of 20053^{l} of tob^{o} unto the Sev^{ll} Gent^{n} that went upon the Indian Treaty, to be paid by the Treasurer of the Easterne Shore, w^{ch} was Assented to be p^{d} Treasurer accordingly out of the 90000^{l} of Tob^{o} for which in this Acco^{tt} herein makes himself Debtor.

Brought from the house of Delegates by M^{r} Harris and Eleven other memb^{rs} these following Bills viz^{t}

A Bill Asscertaining the bounds and limmitts of Ann Arrund^{ll} & Baltemore Countys, Read ffirst tyme and passed without Alteracõn.

A bill Impoweringthe Ex^{tx} of George Norman to make ouer to Jn^{o} Gadsby, Two Tracts of Land, read first time & it is remarqued that the board cannot pass such a bill (being Matter of Consequence) without they haue the ꝑusall of all the writeings as well as the house. That the word appeare in the 10th Line is left out.

Brought from the house of Delegates

March the 25th 1698. **Original Journal.**

This House hauing again Maturly Debated what his Exncy was Yesterday pleased to Offer in relation to the Law proposed for New Modellizing the Millitia Do find noe reason to receade from their former Vote thereon, and resolue not to Make any such Law

Signed ꝑ Ordr
W Bladen Cl. Dom Del.

Also the following address brought from the house of Delegates by Mr Hall & Sevll other members

March the 25th 1697/8

To his Excy the Governr and his Majties honoble Councill
The Humble Address of the House of Delegates
May It please yr Exncy

We the Delegates out of our bounden duty And Duty and Sincere affections towards your Excy doe Looke upon our Selves to be in a Strict manner oblidged to represent to your Excy all such Matters which may any wise tend to the dishonr and Dissatisfaction of those his Majties Subjects whom Yr Exncy has been pleased to put in places of power, & Trust for the due Administracōn of Justice, and likewise other Officers necessary & Usefull in that his Majties Governmt com̄itted to the Immediate care and Charge of your Exncy And tht the honr Obedience and respect due to Authority may be prferred and not by the Vulgar Slighted & contemned, We humbly beeseech yr Exncy, will be pleased to Use all Suitable and direct Meanes, to Support Encourage and Mentaine the Same, and with a kind and fauourable aspect receiue what we here begg Leaue humbly to offer to the Consideracōn of Yr Exncy for redress thereof p. 52

Such are as followeth

The Justices of Sevll Countys haue been Arrested & by Strict and Unusuall Meanes Compelled to make their Appearance at Annapolis as grieuous Offendrs When in Truth their faults if any, were very Small & pardonable to the lessening the Esteeme due to their Offices and to their great damāges, and Expences, and in like manner haue the Vestry Men of Sevll parishes has beene dealt withall upon very Slight Occasions to their great loss and hindrance ffurthermore we humbly make knowne to your Exncy of the Provll Court Sitting in View Strikes an Awfull feare upon Attornys, Jurors and Suiters, giuing their Attendance there and Seems to restraine that Liberty and ffreedom heretofore

Original Journal. Used to the great Disatisfaction of the Country all which, we humbly Submitt to yr Exncys great wisdom

Signed ꝑ Ordr
W Bladen Cl Dom Del.

In Answer whereto

p. 53

By his Exncy the Governr & Councill in
Assembly March the 25. 1698

The Address of the house this day Sent by Mr Harris & others, representing Some grieveances &c This Board require that all other Matters of tht Nature Lying before you may be Sent up hither that a propper Answer may in Due ordr be giuen, reminding wth all that no answer has yett been giuen to part of a Message from this board for transmitting hither the Comittee of Greiuances Iournalls, neither haue you sent any manner of Answer to Sevll other Matters proposed.

Signed ꝑ Order
Hen: Denton Cl Coll

By his Exncy the Governr and Councill in
Assembly March 25th 1698.

In Answer to the resolve of the house this day Sent concerning the Millitia of this Majties Province, This Board doe Solemnly declare that if any Misfortune or Accident should happen to this his Majties Gouernmt (which God forbidd) for want of Regulating the Millitia, According to proposalls herewth Sent, (from wch Regulation in all [probability] the Country might be secured) you are the ꝑsons chargeable as likewise for wht fines the people will lay to for not complying wth the prsent Law

His Excellcy is pleased to direct his Majtys honoble Councll to consider and draw up Some heads of proposealls Suitable agt to Morrow Morning

Mr Collier Navll Officer of the port of Wm Stadt & Hen Denton Navll Officer of the port of Annapolis made oath to their Accets in prsence of the Com̄ittee of Accotts Capt Gilbert Lievesley came and made oath before his Exncy in Councill, that he once passed a Navigacōn Bond in this Province abt 13: or 14: years agoe; for which he brought in a Certificate of Discharge next yeare & dd it to Mr Henry Low.

March 26th 1698. Original Journal.

p. 54 The Councill again Sate and were prsent as Yesterday The honoble Tho: Tench & James ffrisby Esqrs and sent downe to the house wth the Bills Yesterday read and Answer to Sevll of the Messages, as also Remarks upon the resolues of the house brought the 24th Instant they returne and say they did their Message. Came from the house of Delegates Mr Hutchinson & Mr Sanders who Signifie that the house had Appointed Some of their Membrs to Joyne in Conferrence with Some of his Majties most honoble Councill abt the Ordinary keepers & securing Letters &c who are told, that if the house will send up those members care will be taken;

Came up Accordingly from the house Majr Ham̄ond Mr Sanders, Mr Wilmer, Mr Elisha Hall, and Mr Benjan Hall, Mr George Ashman, Mr Samll Collins & Mr William Hutchison, to whom his Majties honoble Councill being by Ordr Joyned, they proceed to consider of the sd two particulars.

It is concluded and agreed to be Absolutly necessary that Inns or Publique houses of Entertainmt should be kept at all ports, Courte houses and upon the Roads.

It is thought tht the prsent Act of Assembly for regulating Ordinaryes wch was here produced & read provided very Suffitiently and ought to be punctually Observed by all those that keep Inns at the Court houses and ports, but for Encouragement of such as will keep Publique houses upon the Roads, it is thought that their keeping four Spare bedds and provisions for Six horses will be Suffitient, & that they may be permitted to keepe such Houses, paying only, to his Majties Secretary the Summe

The Sum of 400£ of Tob. yearly for their Lycence and that a Supplementary Act be provided therefore but that they lye undr the same Restrictions, as other In holders except before excepted, that the Justices granting such Lycence take Care that bond of 20£ be given by the Inholder, that they keep not free men or loose persons tipling att their houses, as is frequent in the Country of the Matter of securing lettrs brought in by Mastrs of Ships &c is taken into considration. p. 55

It is Concluded and agreed that no bettr Expedt can be found for secureing fforraigne Letters as the present Constitution of the Country now stands Then by desireing his Excy would be pleased to issue out his proclamation Strictly prohibitting all ꝑsons wtsoever from receiveing or takeing any Lrs from any Mars of Ships but wtt they shall pass a Receipt for and oblidge themselves to Care for delivery thereof according to directions undr severe penalty of punishmt of such person as shall be discovered to haue Embezelled, concealed, or kept

Original Journal. any Lett^{rs} either forraign or domestick longer then they have Convenience of Deliv^{r}ing or sending the same away would admitt off.

The hon^{ble} Colonel John Addison upon his humble Motion of Extraordinary business has leave to retire home and it is ord^{r}ed that Tho^{s} Brooke Esq^{r} be sent for to give his attendance according to promise

The hon^{ble} S^{r} Tho^{s} Lawrence added

Brought from the house of Delegates by Cap^{t} Hoskins and five other Memb^{rs} the Following Resolves of the house upon the Committees Report ab^{t} Indian affairs, wth Answer from the house to Severall Messages of this board Viz^{t} by the house of Del. March the 18th 1698.

p. 56 It is reported from the Comittee appointed to Consider about the Indian affairs, first That they do unanimously agree and are of Opinion that for Createing a Right und^{r}standing in the matter concerning the piscattaway Indians, It will be absolutely necessary by some means or other to send to the said Indians and acquaint them that if they will return into this province and Settle themselves among ous as form^{r}ly This Governm^{t} (Upon the happy news of a peace in Europe are willing to pass by and forgive all form^{r} Injury's by past, on Condition they behave themselves friendly & Quietly for the future. To w^{ch} proposall the house do Concur.

2d That the Com̄ittee Conclude the most Expeditious way of sending this Message to the s^{d} Indians will be by an Indian Consid^{r}ing the present Circumstances of Affairs. Unless it be thereupon advisable to Com̄unicate the said Matter to his Maj^{tyes} Gov^{r} of Virginia first which this Com̄ittee do humbly leave to the Consid^{r}ation of his Ex^{ncy} and members of his Ma^{ts} hon^{rble} Councill and House of Delegates in Assembly now sitting But that if his Ex^{ncy} S^{r} Edm^{d} Andros be sent to and Consent in this affair that then the Message be sent [by] English.

Whereupon put to the Question in the house and Resolved that the message to be sent to the Indians be sent by an Indian.

3dly It being represented by the Delegates from Baltimore County that they are in no dread or apprehention of fear through Indians these partes,

p. 57 This Com̄ittee are of openion that the Continuing the Rang^{rs} in Baltimore County for secureing the fronteirs is needless and may be dismissed if his Ex^{cy} approves thereof.

The house Concur therewth nemine Contradicente that the Rangers of Baltimore be dismissed.

4. The Com̄ittee find that the persons appointed to treat wth the Indians at the head of the bay, have made no returne in Obedience to the ord^{r} so that this Com̄ittee have not to say further therein. Original Journal.

5. Hon^{r} Colonell George Robotham gives the following account of the Choptank Indians viz^{t}: That they are more Condescending Quiet and peaceable then Ev^{r} he knew them before. His Hon^{r} Colonel Hutchins gives the same acc^{tt} of the Indians of Somersett County.

6. The Com̄ittee do unanimously conclude and agree that it will be Convenient and Necessary that the Gent^{n} by act of assembly appointed for deciding differences betwixt the English and Indians be ord^{r}ed to acquaint the Indians in Generall that now there being a generall peace throughout Christendome, they may have the same happiness here if they will be Neighbourly frindly & Quiett

Resolved that the said Gentlemen acquaint the Indians Therewth

Signed ꝑ ord^{r}
W Bladen Cl. Dom. Del.

By the house of Delegates march the 26: 1698. p. 58

This house are Sufficiently Satisfied wth the Integrity of M^{r} Mason publick Treasurer of the Westerne Shore and Cannot Conscent to the displaceing of him

Signed ꝑ ord^{r}
W Bladen Clk Dom. Del.

By the house of Delegates march the 26th 1698.

In answer to his Ex^{cys} Message ab^{t} Greivances this house do say that they have nothing more of that nature lying before them; an answer to yo^{r} form^{r} proposall being herewth likewise sent; as to the transmitting the Journall of the Com̄ittee to yo^{r} Board We Conceive it nev^{r} to have been practiced therefor desire to be Excused therein

Signed ꝑ ord^{r}
W Bladen Cl: Dom. Del.

As to the Susquahanah Indians it is Concluded they are not wth in this Governm^{t} as to the method of holding assemblyes this house do not think fitt to draw up any such Methode; but are willing to Come as neare the practice of the parliam^{t} of England as the Constitutions of this province will admitt

Signed ꝑ ord^{r}
W Bladen Cl: Dom. Del.

Original Journal.

By the house of Delegates March the 28th 1698.

This house have ꝑrused and Considred Severall papers relateing to the accompt of the Qr pt of the 1d given by his Most Sacred Majty for the provideing this province wth Armes Amunition &c. and are not Satisfied therewth because there is no Certainty of time in any papers laid before us.

p. 59 Therefore if yor Excy has any accts undr the hands of George Plater and George Muschampe Esqrs relateing thereto wch are more Certaine We humbly desire that yor Excy would be pleased to Com̄unicate them to us. If not that the said George plater and George Muschampe Esqrs may be ordred to prepare a full and ample Acctt thereof from the time of yor Excys first arrivall to be laid before the next Sessions of assembly Signed ꝑ Ordr

W Bladen Cl. Dom Del.

By his Exncy the Governr & Council in assembly
March 26th 1698.

The Houses Resolves upon part of the Report made by the Com̄ittee appointed for Indian affairs was recd and here read; but it is expected tht a direct answer be given to every particular article reported by the sd Com̄ittee & approved off by his Exncy in Council otherwise this Board cannot further proceed in that matter. Signd ꝑ Ordr

Henr Denton Cl Concil.

By his Exncy the Govr & Council in assembly
March 26th 1698.

In Reply to the Houses answer abt transmitting the Com̄itte of grievances Journall hither, for perusall of this Board; His Exncy is pleased positively to declare tht the House have no right to insist upon any thing as matter of Custom in this Countrey wch is not agreeable to the Laws of England; and this Board do think themselves as much concern'd & to have as great reason to inspect & see what the Grievances of the Countrey are, as well as the House of Delegates. Sign'd ꝑ Ordr

Hen: Denton Cl Concll

March the 28th 1698.

Original Journal. p. 60

The Council again sate and were p^r^sent.

His Ex^ncy^ ffran^s^ Nicholson Esq^r^ Cap^t^ Gen^rll^ &^ca^
Coll Henry Jowles
Colonel George Robotham
Thomas Tench Esq^r^
Colonel Charls Hutchins &
James ffrisby Esq^r^

The heads of the Militia law lately drawne up by his Ma^tys^ hon^ble^ Councill being fairly writt out together with three Sev^r^all Answers of this Board last Saturday drawne up being perused were sent to the house by the hon^ble^ Colonel Robotham & Esq^r^ Frisby.

Who returne and Say they have delivered the Message. The Report of the Comittee about the Church & ffree School with the Resolves of the House thereon being read the following Remarques by this Board are made thereon.

Viz^t^ As to the Houses Opinion to Cap^t^ Hollands paym^t^ of the tob: as they were last Sessions 1697.

This Boarde are of the Same Opinion as the Gent^n^ of his of his Ma^tys^ hon^ble^ Councill were of the last Assembly do agree with the Reporte of the Comittee as to the rest of it according to the Sev^r^all Resolves and Concurrences of the House of Delegates.

This Board having taken into their serious Consid^r^acōn One Clause of the R^t^ Hon^ble^ the Lords Com^rs^ Letter in relation to the Duty of ten ꝑ Cent upon European Goods carryed from hence to pensilvania. It is demanded by his Ex^ncy^ that the Gentlemen of the Councill would give their Opinion whether the said Imposition was an Obstruction ag^t^ Exportation of European goods from England to that place, Who having well weighed the said Matter do unanimously agree that the Same is no manner of Obstruction at all. p. 61

As to that parte which mencōns some partiality used in the Execution of that Law, this Board do referr to the Sev^r^all proceedings in Assembly any ways tending that way.

It is proposed that for the Encouragem^t^ of the people of this province a law be made that all ꝑsons actually inhabiting and residing within this province may have liberty to importe Rum̄e and other liquors from pensilvania paying only 9^d^ ꝑ Gall: therefore.

Produced and read a letter by his Ex^ncy^ recd from the R^t^ hon^ble^ the Com^rs^ of his Ma^tys^ Customes dated the 26^th^ of March 1697 Concerning a Certain Ship called the Sam^l^ and Mary of Biddiford Dan^l^ Hayns Ma^r^ having given a Naviga-

Original Journal. tion Bond in Maryland, but upon Stress of Weather had been forced into Ireland, where she had by ꝑmission discharged 105^{hhds} and a parcell in Bulke conteyning 76530^{l} of tob^{o} the neat Duty whereof at an ½ ꝑ p^{d} am^{o} to 151^{l} 09^{s} 4^{d} had been remitted to his Ma^{tys} Receiver in England upon w^{ch} Consid^{r}acōn and distress of the said Ship the Hon^{ble} the Com^{rs} af^{d} thought fitt to direct the vacating of the Bond given in Maryland.

Ordered that before the vacating the aforemencon'd Bond, Inspection be made what tob: the s^{d} ship then Exported p. 62 which if Agreeing that then the said Letter be endorsed accordingly by the Clk of this Board.

The hon^{ble} S^{r} Thomas Laurence Came & was added.

The petetion of John Perry came endorsed from the House as follows. Viz^{t}

The House Consent that the s^{d} House be removed at the pet^{rs} Charge and placed in such place as the Com^{rs} of the port of Annapolis shall direct

W Bladen Cl: Dom. Del.

Brought from the House of Delegates the following Bills Viz^{t}

A Bill impowering the Com^{rs} of Cæcill County Co^{r}t to hold a Court this p^{r}sent year in Aprill read the first tyme and passed.—

A Supplementary Bill to the Act for Ordinary Keepers and regulating the number thereof read the first tyme and passed.

His Hono^{r} S^{r} Thomas Laurence Bar^{t} Secry being Consenting thereto (to whome the Lycense tob: is due) seeing it is adjudged to be benificiall to the Country.

The petition of the Widdow Herman read & Assented to by his Ex^{ncy} and his Ma^{tys} hon^{ble} Councill

By his E^{ncy} the Gov^{r} and Councill in Assembly
March the 28th 1698.

Severall Resolves of the house of the 26th Ins^{t} here recd and this day read were remarqued as follows. Viz^{t}

As to the Resolve of the house Concerning the allowance proposed to the Hon^{ble} his Maj^{ties} Secreta^{ry} & Chancello^{r} of the Province this Board doe Say that vpon discharging what is due to them Vntill this present time Vpon the former Ordinance of Assembly Which can in no wise bee denyed them It is Agreed that for the ffuture they bee only Allowed 150^{ll} ꝑ day dureing y^{r} attendance Vpon Councills in Assembly Vnless they shall be Called to Councill out of Towne.

The Vote of the house in Relation to the proposall made from this Board About the Millitia wants Explanation not knowing whether you intended the Reference to the next Gen^ll^ Assembly or next Sessions of Assembly. Original Journal.

The Resolves as to Sloopes & Shallops is Assented to but wants Explanation to Particularize the Late Act of Parliam^t^

His Excell^cy^ is pleased to send heerewith a Coppy of the whole Revenue made vp attested & Sworne to by George Plator And George Muschamp Esq^rs^ Duplicates whereof have beene Transmitted to the L^ds^ Commission^rs^ for Trade &^ca^ & Lords of the Treasury.

Brought from the house of Dellegates the ffollowing Message Viz^t^

By the house of Dellegates March the 28^th^ 1698.

It has never been the Practice that the Journall of the Committee of Agrievances should bee Transmitted to the Councill before the End of the Session, It being the proper part of the Representatives to shew the Grievances of their Countys such thinges As wee have Approved on the said Committees Journall Wee have Represented to yo^r^ Excell^cy^ for Redress therein

Signed ꝑ Orde^r^ W Bladen Cl. Dom. Del.

Vpon reading whereof The following Message p. 64

By his Excell^cy^ the Governo^r^ & Councill in Assembly
March the 28^th^ 1698.

In Answere to the Message of the house Concerning Yo Transmitting the Journall of the Committee of Grievances hither for Inspection of this Board. It is Conceived that such Grievances as are Represented & Sent from the Severall Countys of this his Maj^ties^ Province Ought first and principally to be Comunicated vnto his Exceli^cy^ & his Maj^ties^ hon^ble^ Councill And is Expected & Strictly required that the Same be forthw^th^ sent.

Signed ꝑ Orde^r^
Henr: Denton Clk Council.

A Bill for the Naturallization of Peter Dondee read the first time & passed provided a Clause be put in th^t^ the same is not Repugnant to the Late Act of Parliam^t^ passed Anno 7° & Gulielmi 3. Regis

Entituled An Act for preventing ffrauds and Regulateing Abuses in the Plantation Trade.

Original Journal. The Indian Matter being again taken into Consideration His Excell^{cy} is pleased to Say that Provided the house give direct Answer to Every perticular Article Reported by the Committee in th^{t} affaire with Advice of his Maj^{ties} hon^{ble} Councill hee will propose Such Methods to the house of Dellegates As hee hopes God Willing may be for the Ease & Security of this his Maj^{ties} Province Agst the Piscattaway Indians Signed ꝑ Ord^{r}

Hen: Denton Clk Councill.

Proposed that his Excellcy the Governo^{r} of New York bee p. 65 Acquainted abo^{t} the Susquehanah Indians.

Seeing the House have thought fitt to Lay South River and Severne River fferrys Aside it is proposed th^{t} all other publick fferrys be Laid Aside.

The Vote of the House abot M^{r} Masons being Continued Treasurer is disasented to by this Board.

That if the house will not Agree to Settle the Methods of holding Assemblys, that then a Law be made to Confirme what has been been Already done in th^{t} Perticular.

The proposall for deciding differences between M^{rs} & Servants is not yet Effectually Answered nor provided for Considering no Law of England nor of this Province tollerates any Courts proceeding by way of peticõn in Such Case.

The proposall for an Ordinance to pass against those perswade or entice the people out of the Province is Not yet Answered.

The Clause in the R^{t} Honourable the L^{ds} Com̃ission^{rs} Letter as to what Encouragm^{t} might be given to such disbanded Souldjers as had a mind to Transplant themselves hither & the Quere what becomes of the Serv^{ts} heere Imported not yet Answered.

March the 29th 1698.

The Councill again Sate & were p^{r}sent as Yesterday The Hon^{ble} Collon^{ll} George Robotham & James ffrisby, Esq^{rs} are appointed to goe downe to the House with the Bills & Carry to the House Resolves &^{ca} The said Gentlemen are directed to Acquaint the house that one Cap^{t} Ralph Wilson Ma^{r} of p. 66 Carolinas Sloop makes it his busines to goe vp and downe the Country to Entice & perswade the people out of this Province & Concerning two of Somersett County Dellegates who by Information of M^{r} Jenkins were guilty of very gross Miscarriages Last night at their Lodgings that the house would Enquire & examine into both these Matte^{rs}

By his Excellcy the Governor & Councill in Assembly March the 29th 1698. Original Journal.

It is proposed by this Board that the house would Appoint Some of their Members to Joyne with Two of his Majties Honble Councill to examine & View the Records in the Severall offices whether they bee all there According to former Lists of the Same taken And that they make Report accordingly.

Signed ꝑ Ordr Hen. Denton Clk Council.

Brought from the house of Dellegates the ffollowing Bills Vizt A Bill for decideing differences between Masters & Servts read the first time & passed without Alteration.

Brought from the house of Dellegates the ffollowing Resolves & their Answere to Several Parographs in the Lords of the Councill for Trade & Plantacōns

As to their Ldshpps. Quere abot Souldjers Transporting themselves hither Wee Can give Small Encouragmt vnless p. 67 they be Tradesmen or have Sufficient Stock to Quallify themselves to procure them Land & other necessaryes vsefull for this Country As to an Agent to appear for vs qualifyed by Act of Assembly It is the Opinion of this house tht Considering our present Circumstances & Meaness of Abilitys, Wee apprehend them Wholy vnnecessary And when wee have any Matters of Importance to Lay before yor LordShpps Wee shall Authorize Some fitting person for that purpose.

As to what becomes of White Servts after they have Servd their time they are well Lookt vpon & their Mastrs Cloath them well, and give them all other necessaryes Sufficient for one yeare & those tht are Industrious & frugall purchase Estates, but the Negligent and Careless run the Same ffate as in other parts of the world. As to the proposall about Rume from Pensilvania Since all the Acts for Impositions will not be repealed the house is willing they should Expire of themselves As to Confirming the proceedings of the Assembly The house is Sufficiently Sattisfyed with the proceedings of this Assembly And doe not think it necessary to make any such Act of Confirmation.

As to deciding differences Between Servts & Masters a Bill is already prepared.

As to the Ordinance proposed agst ꝑsons that intice people out of the Province.

This house doe not think fitt to Lay any such restraint vpon people but that they may goe where they please paying their Iust debts.

As to the proposall about the honble the Secretary & the p. 68

Original Journal. Chancellor Sallarys for Attending in Councill the house Concurr with the sd Proposalls.

As to our Vote About the Millitia It was meant if it should bee Referred to the next Sessions or not And it was Carryed in the negative the sence of the house being tht it should not bee referred at all As to the Resolve Abot Sloops & Shallops The house Concurr that it should bee soe explaynd as proposed As to the Resolves about the publick fferrys The vote of this house was intended against them all.

Signed ꝑ Ordr
W Bladen Clk. Dom. Del.

Vpon reading the Above Resolves of the House It is Remarked as followeth Vizt to the 7th 8th 9th & 14th Articles

By his Excellcy the Governor & Councill in
Assembly March 29th 1698

As to the proposall for Confirming the proceedings of the Assembly seeing tht the house is Sufficiently Sattisfyed with the proceedings of this Assembly And does not think it necessary to make such act of Confirmation. His Excellcy does in his Majties name Command the house to make a direct Answere to these following Articles Contained in Capt Slyes Articles of Charge against his Excellcy now Lying before the House Vizt the 7th 8th 9th & 14th Articles wch Said Articles doe more Immediatly Concerne the publick And if can be made out to bee true then the Severall proceedings Since that time must Consequently prove Eroneus.

Henry Denton Clk Councill

p. 69 Brought from the House of Dellegates the following Answere to the Message of this Board.

By the house of Dellegates March 29th 1698. The house have already given their full answere to the Matter About the Indians therefore desire they may not bee vnnecessarily detayned Any further vpon tht Accot

Signed ꝑ Ordr
W Bladen Clk Dom. Del.

By his Excellcy the Governor & Councill in Assembly
March the 29th 1698.

As to the Answere of the house to the proposall for an Ordinance to pass against those tht perswade & Entice the

Inhabitants out of this Province this Board Conceive is not According to the proposall for th^t it was not intended to debarr or hinder any persons that were intended to depart the Province as the house Seemes to inferr but against Such as perswade & entice the people out of the Country by Sinister and specious pretences as is well knowne not only to Some of his Maj^{ties} Hon^{ble} Councill but alsoe to Severall of the members of the house of Dellegates hath been practised & done W^{ch} thing is reckoned to bee one of the greatest Grievances now in this Province and highly Necessa^{ry} to bee discouraged by some such Meanes. Original Journal.

As to the Resolve of the house about Grievances if the house doe not think themselves Obliged that the Grievances of the Country should bee Communicated hither, this Board doe not think fitt to take Notice of them in the way now sent to bee reckoned as Grievances. p. 70

As to the short answere made Concerning the Indians affair. This Board doe take it to bee an Essentiall part in all parliamentary proceedings to either Assent or dissent to every individual Article Reported by any Committee without w^{ch} his Excell^{cy} Cannot proceed Any further in that Matter therefore does in his Maj^{ties} name Command the house to give a direct Answere to every particular Article Reported by the s^d Committee yet vnanswered for want Whereof if any Mischief should happen to Ensue or Murther or other Violence bee Committed by the Piscattaway Indians (w^{ch} God forbid) the same will bee Laid to the Charge of yo^r house

A bill for Rectifiing the ill practicess of Attorneys being againe Consid^{r}ed wth Severall Remarques thereon, the s^d Bill is further Referred to be Consid^{r}ed of in a Conferrence, And the Hon^{ble} S^r Thomas Lawrence Colonel Robotham & Esq^r Tench in ord^r thereto, and Carry wth them the said bills, together wth the oth^r bills & resolves now answered. p. 71

March the 30th 1698.

The Councill againe Sate and were ꝑsent as yest^{r}day

The Gentlemen yesterday appointed upon the Conferrence went downe to the house wth the bills remarkes and other papers &c^a to whom were Joyned by ord^r of the house M^r Philip Clarke M^r James Crawford M^r William hansley & M^r Simon Wilm^r who mett accordingly att the house of S^r Thomas Laurence Bar^t and proceed to debate and Confer upon following heads remarked,—and First as to venires. It is agreed that instead of the word venire the words Sum̄ons or any other process be Inserted directed either to the Sherriff or Cunstable at the discretion of the Court.

Original Journal. 2. as to Bonds suing it is agreed that an Exception be ag^t^ such ships as go away without Clearing or the mast^rs^ of Ships passing such bonds non Complyance w^th^ the Lawes of the Country &c.

3. About the Justices being impowered to give Judgment who shall pay the Clk. of the Indictm^ts^ ffee. It is not agreed to but do think that Clause ought to be wholly left out.

p. 73 4. Ab^t^ bonds and Recognizances for persons apperance &c: do find that the said Matter is Sufficiently Explaind and no wayes intended by the s^d^ Act.

The above reports is approved of in Councill and the said Bill will pass w^th^ the amendm^ts^ made accordingly.

Brought from the house of Delegates by Major Hutchison and five other memb^rs^ the following bills who presented Major Thomas Ennals one of the delegates of Dorchester County to be sworne. Who accordingly took the Oaths and Subscribed the Test Came from the house of Delegates M^r^ Harris Major Hammond M^r^ Taylard and Cap^tn^ Hill who say they were appointed by the house to joyne w^th^ some of the members of this board to Veiwe the records.

The hon^ble^ S^r^ Thomas Lawrence Colonel Robotham & Esq^r^ Frisby are ord^r^ed to joyne with them therein.

The bill for Rectifieing the ill practices of attorneys w^th^in this province being read the second time and found to be amended is passed; a proclamation for a day of publick Thanksgiveing as also another proclamation prohibitting Romish Priests &c: from drawing ov^r^ his Maj^ties^ Subjects in this Governm^t^ to the Romish faith being prepared according to ord^r^ was read and sent downe to the house of Delegates for their approbation w^ch^ were returned back from the house approved of and then were Signed by his Ex^cy^ and passed the broade Seale.

Ordered that the Sherriffe publish them to morrow morning at the State house by Beate of Drum.

p. 72 Ord^r^ed that it be refered to the Kings Lawyers to draw such a forme of a bond for the Country dues as may be Sufficient to Compell all Ma^rs^ of Ships fully to Comply w^th^ the Act when passed, w^ch^ form the Severall officers taking such bonds are to observe and follow.

A Reviveing Bill produced and read the first tyme It is remarked that the Act for Speedy Justice and Encouragm^t^ of Trade is left out of the reviveing bill but it is thought by this board to be a very good and beneficiall law to the Country and as essentiall as any oth^r^ in this Governm^t^ therefor do recom̄end the same may be revived.

The Act relateing to Negroes & Slaves made in the year 1692 is left out.

That the said reviveing Act be Expressed to be in full Force &c. for and dureing the full terme of three years or untill the End of next genll assembly wch shall first happen. Original Journal.

Upon reading the following Message & Resolves brought from the house of Delegates, vizt

By the house of Delegates March the 30th 1698.

Att his Excys Comand in his Majtyes name to this house to make a direct answer to 7th 8th 9th & 14th articles of Charge Exhibted agt his Excy the Govr by Gerrard Slye.

This house do say that notwthstanding such Comand they hold themselves free whether they will answer thereto or not.

This house humbly Conceiveing the difference between his Excy and Mr Gerrard Slye doth not affect them and that the Law is open.
Signed ꝑr ordr
W Bladen Cl. Dom. Del.

As to the proposall for an ordinance to be made agt ꝑsons that Intice people out of the province put to the Question if any such ordinance shall be made or not and Carried in the negative nemine Contradicente This house apprehending that by such ordinance people may be unawares insnared in their words. p. 74

As to Recomendation abt aggreiveances This house do Conceive that if his Excy will not redress our aggreiveances in the way represented he denyes us Right and will not redress them at all.

Also the Articles of the Comittees Report abt Indians being unanswerred the following message was sent from the house of Delegates vizt

This house have perused the severall proceedings as well of the Comittee appointed to Considr of Indian affairs, as also their owne proceedings Votes Resolves & Messages thereon and do not find but that they have made full and Sufficient answers thereto, therefor do not hold themselves in duty oblidged to make any further answer and desire they may be no more pressed therein And that his Excy would be pleased to put a Speedy End to this Sessions. Signed ꝑ Ordr
W Bladen Cl. Dom. Del.

Where upon the following Message sent vizt

By his Excy the Govr & Councill in Assembly
March the 30th 1698.

In Reply to the answer of the house this day received in the Mattr concerning the four articles contained in Capt p. 75

Original Journal. Slyes paper you were Required to make answer to; this Boarde does say that It can in no wise be apprehended that those Articles should affect his Ex^ncy; but the whole Assembly & Government the which oftene will prove of dangerous Consequence therefore his Ex^cy is pleased to declare that he has power to Comand any ꝑ'son's in this Governm^t in matters relating to his Maj^tys Immediate service and good of the Country as this is. And if nothing be done in Complyance thereto the house must expect all the Inconveniencies & damages which may Ensue for want of such Answer will be Justly Layd to their Charge.

Signd ꝑ Ord^r
Hen: Denton Cl Council.

Offered that the house would Compare their Two Resolves in their second & sixth Message It being remarqued that if the house had taken the Methods His Ex^cy ꝑ^rscribed all bussiness of this Assembly might have been finished ten days ago.

Upon the Resolve of the house for the cōtinuing M^r Mason Treasurer It is remarqued that if the King or Country come to any damage for want of his being displaced and another appointed the house will be Chargeable with it.

proposed that the house give some Answer whether they thinke necessary the Gov^r of New Yorke should be sent to ab^t the Indians and if they are of Opinion the Susquahannah Indians do not Live within the Bounds of this province his p. 76 Ex^cy will have nothing to do with them since the house are not willing that An Ordinance should pass ag^t such ꝑsons as intice people out of the province, This Boarde do quitt themselves of all manner of Inconvenience & damage that shall happen to the Country thereby and Must necessarily declare the reason thereof to proceed from the houses Dissent in passing such an Ordinance.

March the 31^st 1698.

The Councill againe Sate and were present as yesterday.

A L^re of George Hutchison of Pensilviania To his Ex^cy sent and directed concerning his paym^t of the duty of ten ꝑ Cent. for four women Servants transported hence ov^r Land thither w^th a ꝑmitt of George Claypools herew^th sent.

Upon Representation likwise of one M^r Francis Jones of Philadelphia is Charged the duty of tenn p^r Cent for some Gunns and the like Transported hence thither the same is recommended to the Consid^ration of the house.

That the house be acquainted th^t the Justices and Grand Jury

of prince Georges County did not think Piscattaway Indians Original
to be so Inconsiderable an Enemy Journal.

The hon^{ble} S^{r} Tho^{s} Laurence Bar^{t} Secry Tho^{s} Tench &
James Frisby Esq^{rs} were by ord^{r} appointed to Carry downe
the bills yesterday Read and answered to the Severall Resolves as also the same tyme To swear Major Tho^{s} Smithson p. 77
Treasurer of the Easterne Shore to his publick acc^{tt} and that
the Clarke of this board attend them in order thereto.

They returne and say they have delivrd their Message and that they had sworne major Smithson To his Treasurers acc^{tt} in presence of the house of delegates

Brought from the house of Delegates by M^{r} Benjamin hall and five other members the following answers to Some Messages and Referrences this day Sent viz^{t}

By the house of Delegates March the 30th 1698.

This house have Consid^{r}ed of the Message relateing to the four articles contained in M^{r} Slyes paper and doe not think fitt to alter their form^{r} vote therein.

As to the Susquehannack Indians We have form^{r}ly given our opinion according to the best Information we can gett, That they are not wth in the limitts of this province And as to sending to New York the house see no necessity thereof.

As to George Huttchins L^{re} to his Ex^{cy} It is the openion of the house that if the ten per Cent duty was paid for the four Serv^{ts} It ought to be refunded againe but not for the goods they being liable to pay the duty.

Signed ꝑ Ord^{r} ꝑ
W Bladen Cl. Dom. Del.

The said Message being read by his Ex^{cy} the Gov^{r} & Councill in assembly March the 31th 1698.

The Answer of the house Concerning those four articles of p. 78
M^{r} Slyes has been Received and here read to w^{ch} seing you
thinke not fitt to make further answer. It is required that all
the papers relateing to that affair as also all other papers now
Lying before you and Sent from this board, be forthwth
returned, but his Ex^{cy} being informed that some of the Members of yo^{r} house pretend to prove the severall articles of
charge laid ag^{t} him by the s^{d} Sly, does therefor in his Maj^{ties}
name Comand those Memb^{rs} to putt in Writeing and give
und^{r} hand w^{tt} they have to say in that Matter in ord^{r} that they
may be sworne therto or else his Ex^{cy} does look upon them
to be false, Scandalous & Malitious, except those that can be
otherwise proved by record

Signed ꝑ order
Henry Denton Cl. Concil.

Original Journal. There is not a direct answer given to that Quere about the Susquahannah Indians reminding the house of an ord^r^ of the last assembly. Where some Gentlemen were appointed to go and treat w^th^ those Indians but remaining still undone:

His Ex^cy^ is pleased to say that if this assembly does not thinke fitt to Confirme that ord^r^ he will proceed no further in it

p. 79 It is proposed that the house would advise w^t^ way the Armes (now coming in) shall be disposed of

A Rep^r^sentation of the hon^ble^ S^r^ Thom^s^ Lawrence is herew^th^ likewise sent.

March the 31^th^ 1697

His Maj^tyes^ Secretary of this province doth Rep^r^sent to the hon^ble^ the Speaker & to this house of Delegates that in the Assembly held att Annapolis in Sep^t^ 1696 among oth^r^ Matters Reported by him to the house of Delegates in the Memorialls then laid before them Conteining an acco^t^ of all business he had Solicited for the Country dureing his Stay in Engl^d^ anno 1695 there is an Article relateing to John Povey Esq^r^ declareing that he would give in no p^r^ticular of ffees due to the plantation office, for presenting severall addresses and oth^r^ business transacted by the hon^ble^ William Blathwayt Esq^r^ and by himselfe before the King in Councill and the R^t^ hon^ble^ the Lords of the Comittee for Trade & plantations, for the Service of this province but left this matt^r^ wholly to the Consid^r^ation of the Assembly who did then do nothing in itt.

The particular affair is therefor offerred by the Secretary to the further Consid^r^ation of this house which is desired to give some answer unto it. Thomas Laurence

The Indian matter is againe taken into serious consid^r^ation and the Severall papers sent to & rec^d^ from the house concerning the Same, as also the Comittees Report and Severall other papers relateing to that affair, his Ex^cy^ is pleased to demand of the board w^tt^ is fitt and propper to be done seeing the house has Left severall points agreed to by the afore mentioned.

The ffollowing Mess: sent to the house by his Ex^cy^ the Gov^r^ and Councill in assembly march the 31^th^ 1698.

p. 80 The message of the house of Yesterdays date wherein tis Intimated you have made full & Sufficient answers in relation to the Indian affaire; this boarde do say that they have inspected & againe ꝑused the Severall Messages Answers & Resolves sent to and Rec^d^ from the house concerning the same, as also the reporte of the Comittee and divers other papars respecting that Matter, Whereby they not only find you have omitted answering two of the most Materiall points in the Com̄ittee Viz^{t} wheth^{r} the proceedings of his Ex^{cy} and his Maj^{tyes} hon^{ble} Councill wth a Com̄ittee appointed in Octob^{r} Last ab^{t} the s^{d} Indians are approved of, or not, and whether the answers of his Ex^{cy} S^{r} Edmond Andross his Maj^{tyes} Gov^{r} Gen^{ll} of Virginia &c: and his Maj^{tyes} hon^{ble} Councill there, herewth returned you, concerning the same, is well or ill but also do observe that the house held the Piscattaway Indians to be a weak Inconsid^{r}able Enemye yet the Justices & Grand Jury of Prince Georges County and the ffrontier Inhabittans upon potomeck do not Recon them so (as by the papers herewth sent may appear) howev^{r} it is Considered that if they should Com̄itt any Murd^{r} or acts of Hostility in this his Maj^{tyes} province, w^{ch} god forbide his Ex^{cy} does think that some of you that are of that openion will be the properrest persons to accompany him when he goes ag^{t} the Piscattaway Indians, and he thinks when his Com̄ands are in his Maj^{tyes} name and not Contrary to Law all ꝑsons wth in this his Maj^{tyes} province ought to pay due obedience thereunto. And as for yo^{r} desire of putting speedy End to this Sessions of Assembly; You might have answered the purpose of the Writt for w^{ch} you were called and w^{tt} other Matt^{rs} have been proposed to you by his Ex^{cy} & his Maj^{tyes} hon^{ble} Councill Ten dayes ago.

Original Journal.

p. 81

Signed ꝑ ord^{r} H Denton Cl. Council.

As for the Act for the Leavy his Ex^{cy} can do nothing therein untill he has had the ꝑusall of the Journall of the Com̄ittee of Acc^{ts} and then he will appoint some of his Maj^{tyes} hon^{ble} Councill, the above answer &c. was sent by Tho Tench & Iames Frisby Esq^{rs}

Brought from the house of Delegates by M^{r} Harris and other Memb^{rs} the following answer in relation to the last Message sent ab^{t} the Indians Viz^{t}

The said Messengers brought also the following Bills fairly Engrossed Viz^{t}

By the house of Delegates March the 31st 1698.

In answer to the Message this day sent ab^{t} the Indians this house have already voted and Resolved that their answers already given are Sufficient and are Resolved they will not recede from their former votes or take the said Matt^{r} into further consid^{r}ation therefor humbly pray we may be no longer detained upon that acc^{tt} Signed ꝑ ord^{r}

W Bladen Cl. Dom. Del.

Original Journal. The house desire that when the Armes come in they may be disposed of as his Excy the govr & his Majtyes Honble Councill shall thinke fitt and the necessityes of the Countyes require

As to the honble Sr Thos Laurence Reprsentation this house do think they have Sufficiently gratified Mr Povey to Discharge those ffees if any due Signed ꝑ ordr

W Bladen Cl. Dom: Del.

By his Excy the Govr & Councill in Assembly
march 31st 1698.

Upon perusall of the reviveing bill, it is remarked the same is made to Continue in full force &c: for three years or untill the End of the next Sessions of Assembly wch is Contrary to p. 82 the proposall being directed to be untill the end of the next Genll assembly &c. therefor his Excy requires the originall bills to be sent up to Examine the rest by.

The address to his Majty is neither writt hansomely nor on good paper, haveing sent herewth two sheets of Guilt paper to write an Originall & Duplicate upon but it is proposed that Some further Clauses for the right Settleing of the Govermt may be added. Signed ꝑ ordr

Henry Denton
Cl. Council.

By his Excy the Govr & Councill in assembly
March the 31th 1698.

The reply of the houses to the answers sent you from this board upon yor address concerning his Majtyes Lawyers openion in the Case of Mr James Crawfords Suspention &c. being againe read and taken into Considration this board does think the said address has been Sufficiently answered and rather two mildly when you have prsumed to Question his Majtyes Royall Perogative, and his Excy would have you read and consider well the Case of my Lord Cheife Justice Heath who was not ꝑmitted to plead at the barr wth out the Kings Especial leave as you may se in my Lord Cookes reports anno dom: Caroli Regis in Banko regis fo: 375, and his Excy would know by wt Law or Charter any of the attorneys of this province do plead in his Majties Courts wth in this Governmt wth out the Kings special leave or lycense & you often mentioned yor Rights or Lybertyes, the perticulars of wch he would know and does advise you to read & considr those Enumerated by the Rt honble the Lords & Commons of England anno primo

Original Journal.

Gulielmi 3. & marie Conteyned in the acts of parliam^{t} now lying before you, his Ex^{cy} hath formerly and now tells you againe he knowes of no Custome in this Country that can tantamon^{y} the Common Law, w^{ch} if you know of any you are required to Shew it

p. 83 Hee does not believe th^{t} such an address was assented to by all the Dellegates w^{ch} if then it prove not right but should have been expressed by soe many Yeas & soe many Nayes or by Majority of Voices According to the Custome of Parliam^{t}. As for yo^{r} Serj^{t} at Armes his Excell^{cy} knows of no such officer but takes it to be an high Presumption the Assuming of such Title, And for the Leaving yo^{r} Vote Vpon yo^{r} Jornall It will among other yo^{r} proceedings of this Sessions remain as a monum^{t} of yo^{r} despotick inclinations Some of w^{ch} are yo^{r} asserting an Ordinance of Assembly for publick & County fferrymen to keep Ordinary Lycence free.

His Excell^{cy} discovering any such ordinance w^{ch} was Sufficiently Argued & explained the Last Assembly Yo^{r} Resolves upon M^{r} Lynes's Peticōn of the 25 instant by w^{ch} you seeme to intimate & deterrmine a point in Law Contrary to an Act of Assembly Yo^{r} sitting where you doe Contrary to an Act of Assembly And yo^{r} makeing allowances & Levying upon the People 2500^{ll} of Tob. for an other house to Sitt in contrary Likewise to the said Act.

Yo^{r} Sending a Verball message to the Clerk of the Councill for Papers without his Excell^{cy} or his Maj^{ties} hon^{ble} Councills knowledge or Leave Yo^{r} sending A Sum̄ons to the hon^{ble} S^{r} Thomas Lawrence Barron^{tt} his Maj^{ties} Secreta^{ry} by Patent vnder the Broad Seal of England & one of his Maj^{ties} hon^{ble} Council.

Yo^{r} Imploying & allowing M^{r} George Jackson as Clark of the Committee of Acco^{ts} the Sum̄e of 2800^{ls} of Tob. contrary to a Law.

p. 83 It is remarqued there are severall Vncertaintyes & Incoherencyes in yo^{r} Votes This Board have perused all the Addresses Resolves & paper abo^{t} aggrievances And doe Signifie the Practise of Virgin^{a} in that case for the Inhabitants of th^{t} Country to sett vp what they think grievances vnder their hands at their Court house doores w^{ch} the Burgesses cary vp and deliver to his Excell^{cy} the Governo^{r} & Councill in order to be communicated to the house of Burgesses Soe that vnless you can Produce either vnde^{r} yo^{r} Ellecto^{rs} hands or of yo^{r} Owne knowledge what are Represented As grievances they will not bee taken for such but the Effects of an Ill disposed Mallitious temper of such as may bee Rekoned Seditious & dissafected to this his Maj^{ties} Governm^{t} & interest of the Country.

Original Journal. As to what you represent as Grievances that severall of the Justices & Vestry men of the severall Countys have been Arrested &^{ca}

His Excell^{cy} wants to know their names soe that if any of them hath beene dealt with Contrary to Law care shall bee taken th^{t} they shall have right & Justice done them. But tis hoped you dont imāgine th^{t} a Justice of Peace or Vestryman is not Lyable to the Law as you would seem to insinuate You may remembe^{r} what his Excell^{cy} told you the begining of this Sessions th^{t} he had & would Endeavo^{r} to Support the Creddit & Reputation of all those who were in any Employ Vnder his Maj^{tie} heere with all the power he hath provided they behaved themselves well and if there be any thing wanting that is reasonable in Answering Yo^{r} Address concerning them his
p. 84 Excell^{cy} will be willing to pass any Law or Ordinance to that effect; but hee is afraid that the reasons why Some of the Iustices and Vestrymen have not th^{t} hono^{r} Obedience & respect shewed to them, but Slighted & Contemned by the Vulgar is their owne Actions & behaviour And he is affraid they suffer themselves to be abused & affronted in open Court without punishing the offend^{rs} That they Suffer Cursing swearing, drunkenness & quarelling too oft in Court times & th^{t} some of the Justices have allowed th^{m}selves & others Tob. out of the publick Contrary to Law Viz^{t} S^{t} Marys Calvert Prince Georges Dorchester & Talbott Countys. As by Coppies of the s^{d} County Levys heerewitn sent May Appear.

It is very Surprizing to his Excell^{cy} yo^{r} Representing his Sitting in View of the Provinciall Court strikes an Awefull fear vppon Attorneys Iuro^{rs} & Suito^{rs}; but sure it Cannott vpon those th^{t} are honest but is in hopes it does vpon Knaves. Some of the Kings of England have Sate at their Courts at Westminster Hall & when they have vouchsafed the Courts the hono^{r} they have come to hear Causes & As Spectato^{rs} & he does not understand what you mean by being Restrained from th^{t} Liberty and ffreedom heeretofore vsed & he hopes in God you can neither Joyntly nor Severally Accuse him of doeing injustice either in Courts or out of them since he hath had the Honor to Govern this Country but if you Can he wills you Legally to prove it.

p. 85 As for yo^{r} Address Concerning the five Lawes, Yo^{r} Resolve is since all the Acts for Impositions will not be repealed, the house are Willing they should Expire of themselves soe that his Excell^{cy} Supposes it to be in Vaine if it should bee offered for two or three of them to be taken off, but yo^{r} being perswaded that in strictness of Law a Prorogation is the End of an Assembly seems to be a very odd dan-

Original Journal.

gerous and vnpresidentiall Opinion; And if hee should Comply with yo^{r} Request that the said Impositions might noe more be demanded received nor exacted he should be Guilty to dispencing with the s^{d} ffive Lawes. & as for what money he hopes hath not been disposed of any other waies then as the said Lawes direct; but if himselfe or any other hath done it, he hopes that you pretending to bee Saving Patriotts will make it Legally to Appear. As for yo^{r} Conceptions of March the 30th that if yo^{r} Excell^{cy} will not Redress yo^{r} Grievances in the way Represented he will not redress th^{m} at all, Hee thinks to be Somewhat Arbitrary & Illegall & if you Can Accuse him of this or any other Matter or thing hee expects you will doe it before his most Sacred Maj^{tie} or before the R^{t} Hon^{ble} the Lords Commission^{rs} for Trade & fforreigne plantations & it would be a very greate Crime in the Least to doubt but that all R^{t} & Iustice will be done to both parties.

April the 1st 1698. p. 86

The Councill againe Sate & were present as yesterday

The Committee of Acco^{ts} bring vp their Journall of Allowances w^{ch} was perused & read.

It is remarqued that the Dellegates Living on the Eastern Shoare have Allowance made them for Boats & hands but his Maj^{ties} Councello^{rs} Vnd^{r} the same Circumstances have noe such allowance Neither are their Itinerant Charges Considered Equally wth the Dellegates.

Quere Why Mainhursts Acco^{t} was struck out

Quere why M^{r} Sewel was not allowed as wel as the other Minist^{r}

His Excell^{cy} does not vnderstand that any of the Members boyes should bee admitted to officiate as Clerks His Excell^{cy} wants to See vpon what acco^{t} M^{r} William Taylard & M^{r} Benjamin Hall are allowed for their Protested Bills.

Brought by the house by Majo^{r} Ennalls & ffive of their Members the ffollowing Messages & Originall Bills sent for. Viz^{t}

By the House of Dellegates April the first 1698.

This house humbly desire that whereas there is 347^{l} 03^{s} 06^{d} Already in Bank besides what is in M^{r} Masons hands Vnaccounted for the Gen^{tm} appointed to apportion the publick Levy this year may bee Impowered to dispose of the same or at Least three p^{ts} thereof for defraying the Charge of this Present Sessions & noe other vse And th^{t} the public Treasurer may bee obliged to produce th^{r} Acco^{ts} to the s^{d} Committee of

Original Journal. what they receive this season by the Mulc^{t} vpon offices w^{ch} wee alsoe desire the said Committee may have power to Apply & dispose of to the vse afores^{d} & noe other

Signed ꝑ Ord^{r} W Bladen Clk Del:

p. 87 By the house of Dellegates April the 1st 1698.

Thô it once happened by Mistake yet it never was the Intent of the house to revive any Temporary Bill for Longer time then three years or the end of the next Sessions of Assembly However have sent the Originall Bill as required

Signed ꝑ Ord^{r}
W Bladen Ck Dom Del.

By the house of Delegates April the 1st 1698.

As for the Address It shall bee fairly Transcribed. the Rumor of my Lord Baltimores having his Governm^{t} here again gaines noe Credditt with vs. & wee think It a Presumption for vs to Prescribe any thing to his Maj^{tie} in th^{t} Matter.

Signed ꝑ Ord^{r}
W Bladen Clk Dom. Del.

By his Excell^{cy} the Governo^{r} & Councill in Assembly
April the 1st 1698

In answere to the Request of the house this day sent by Majo^{r} Ennalls & others Viz^{t} that the Gentlemen Appointed to Apportion the publick Levy might be Impowerd to dispose 347^{ll} 09^{s} 06^{d} found to be in Bank besids whats in M^{r} [Mason's] hands Vnaccounted for, As alsoe what Tobacco shall bee Collected by the Treasurers this Season by the Mulct vpon His Excell^{cy} does say th^{t} as to the first hee Cannott Consent to it You having refused to Answere the directions of the R^{t} Hon^{ble} the L^{ds} Commission^{rs} for Trade & fforreigne plantations in not Appointing an Agent & not agreeing to Imploy some skilfull Able Lawyer in England to put the Lawes into better method and Language.

p. 88 As alsoe to make any allowance for fees for businesses done for the Country According to the Representation of the Hon^{ble} S^{r} Thomas Laurence Baron^{tt} As for the Latter hee is Willing that Ten Thousand pounds of Tobacco shall be in the hands of the Treasurer of the Westerne & Ten thousand Pounds of Tobacco w^{ch} shall bee in the hands of the Treasurer of the Easterne Shoare, should be disposed of as requested as alsoe Twenty Thousand pounds of Tobacco more then what Appeares in the Committee of Acco^{ts} Gen^{rly}

Sign'd ꝑ Ord^{r}
Hen. Denton Clk Councill.

Original Journal.

Vpon the Again ꝑusing the Levy Law this Board have Considered to Appoint the Hon^{ble} S^{r} Thomas Lawrence Baron^{tt} Secreta^{ry} Collon^{ll} Henry Jowles Thom^{s} Tench Esq^{r} Collon^{ll} John Addison & Thomas Brookes Esq^{r} Members of his Maj^{ties} hon^{ble} Councill to bee added to the Committee for apportioning the publick Levy & that they be first nominated in the Act And it is proposed th^{t} the time for their meeting to apportion the Same be when the Provinciall Court Sitts in the ffall And provided 20000^{ll} tob. more is now thought fitt to bee Levyed the Justices Charge of this & the next Provinciall Court may bee defrayed. Signed ꝑ Order

Hen. Denton Clk Councill.

By his Excell^{cy} the Govern^{r} & Council in Assembly
April the first 1698.

In Answere to what the house has this day sent Concerning the Bill of Revivall his Excell^{cy} for yo^{r} Sattisfaction hath heerewith Sent Coppies of two of his Maj^{ties} Royall Instructions by w^{ch} hee takes himselfe to bee tyed vp from Passing

p. 89

The said Bill, Yet does believe It necessary that a Bill bee drawne to revive the Temporary Laws passed Last Session of Assembly w^{ch} otherwise wil expire.

You are to send vp what thing you are Minded should pass into Ordinances of Assembly.

His Excell^{cy} has Rec^{d} the Letter to my Lord of London w^{ch} hee well Approves of but is pleas'd to send you two Clauses out of two Lette^{rs} which hee rec^{d} from his Lordshpp Viz^{t} as for Davis hee is of a very good Gentlemans family & I was in hopes to have made him a good man but his Idle prating agst yo^{r} Plantations make me fear the worse.

I have taken all the Care I can to Supply you with more (viz^{t} good Clergymen) though the vngratefull Davis does what Mischief he can. his Excell^{cy} recommends to you to Vindicate the Reputation of yo^{r} Country for fear such false Scandalous & Malitious Reports should be discouragm^{t} to any good Clergyman Comeing hither

Signed ꝑ Ord^{r}

Hen: Denton Cl. Councill.

Brought from the house of Dellegates the ffollowing Messages Viz^{t}

Whereas there were Severall sumes of Money Allowed to divers workmen Labourers & others by the Committee for Apportioning the Publick Levy in October 1699.

Voted and Registred that what is still due & vnpaid the same be paid the severall persons as by the Journall of the

Original Journal. said Committee is directed. Also Resolved if the Severall
Sum̄es of Money Allowed to the Severall persons this p^{r}sent
p. 90 Sessions vpon the Journall of the Com̄ittee of Accompts, be
paid the Severall ꝑsons, By M^{r} Rob^{tt} Mason publick Treasurer of the Westerne Shore, Except w^{tt} is allowed, M^{r} William Taylard w^{ch} is to be paid him by the public Treasurer of the Easterne Shoare.

In Answer to a Message of the hon^{ble} Board the house do say that It nev^{r} was Usuall to have any of the hon^{ble} Councill appointed for apportioning the Levy, the last assembly Yett the house agree that two of them be aded as was last Sessions

Signed ꝑ ord^{r}
W Bladen Cl. Dom. Del.

By the house of Deligates aprill the first 1698.

May itt please y^{r} Ex^{cy}

Our Severall Com̄ittees being adjourned to the house and nothing remaining before us, we humbly hope for and Earnestly Expect yo^{r} Ex^{cyes} Com̄ands to attend you in Ord^{r} to put an End to this Sessions.

Signed ꝑ ord^{r}
W Bladen Cl Dom Del

The first part of the Message about money is assented to but the second part is deferred till further Answer from the house.

Proposed by the hon^{ble} S^{r} Tho^{s} Laurence bar^{t} that the house would returne their openion whether or no all publick Commissions produced in this Govern^{t} ought to be recorded in his office

Brought from the house of Delegates by M^{r} Benjamin [Hall] and 8 more of the Memb^{rs} as followeth.

In answer to Several Remarques sent to this house by his Ex^{cy} the gov^{r} & Councill

And first as to the Remarques on the Revive

p. 91 In this Instant Country We hold it best ꝑpetuall Lawes because We have not had Sufficient Experience Whether they may be or not to our advantage, besides if this Country Improve it will be necessary to let some of them Expire

If yo^{r} Ex^{cy} does not think fitt to pass the Revivall bill as proposed this house cannot Conscent to the alteration thereof

His Maj^{ties} hon^{ble} Councills Itenerant Charges have alwayes been allowed them and if they are not now It is an Omission

As for manus allowance being Struck out of the Journall of the Com̄ittee of Acc^{ts} It was because the Informer ag^{t} the

Sloope seized expected a benefitt thereby, Who Sate him on Worke & ought to pay him. Mr Sewall was not allowed because he did not give that Sattisfaction to the Country as was Expected from him

Original Journal.

As to one of the Membrs Clarkes being imployed he is a Native of the Country, bred a Clarke and was Capeable of the sd Imploy, and is a Discouragmt to this house to promote the free schooles if the natives as they become quallified be not permitted to officiate as Clarkes &c.

As Concerning Mr Dentons Sallery not being allowed it was an Omission and the sd Mr Denton shall be allowed

As to the Clarke assistant we commanded our Clark to Imploy one upon some Especial Service and therefor we allowed him

As to the Allowance for being Clk to the meeting abt the Indians in Octobr 1697. it was the sence of the house that he ought to do it as Clk of the Councill.

Mr Denton is allowed 400l of Tob. for being Clk to two Comittees this sessions

In answer to the proposalls to the Levy law

This house do Concur wth the first part of the proposall; but if it be meant that 20000ll Tob. that shall be levyed for Defraying the Justices Charge of this and the next Provincial Court, the house do agree thereto. As to Major Whittingtons Lre about the bounds of Pensilvania. This house wlll not take it into Considration till wee receive an answer from England of our address about the same p. 92

As to Captn Dents Lr about the Coole Spring, it is looked upon as an Idle Letter not worth any answer

The Lr from the Navy office is not before us the Certificate from the ordinance office is not before us. As to the formes of Oaths and a Charge to the Grand Jury we referr the same to the next Sessions of Assembly.

As to Mr Parker this house will take care about it, as to Doctor brays Letter It being writ to his Excy we desire his Excy will answer it.

Lrs to the Ld Bishop of London and Lds of the Councill of trade are writt.

Signed ꝑ ordr
W Bladen Clk. Dom. Del.

Whereupon it is remarqued as followeth vizt seing the house will not Consent to Alter the act of Revivall his Excy Cannot pass it

As to the Answer abt Mr Sewall his Excy and his Majties honble Councill do think themselves as good Judges of his

Original Journal. Sermon as his Membrs of the house of Delegates and do say he ought to be allowed.

The Gross reflections upon his Majties honble Councill pretend to be raised out from among those Resolves are very ill resented, for wch you ought to make publick Satisfaction

p. 93 As to the answer of the house abt Imploying Membrs Clarkes, a proper answer will be given thereto in an other Message.

This Boarde do thinke that the Cłk of the Councill ought to be allowed for Cłks Assistant who has likewise been Imployed in like Extraordinary Service (if not more) equall to the Cłk. of the house, As Also that he ought to be allowed for being Cłk. to the Indian Com̄ittee in Octobr as well as the other Cłk.

His Excy being resolved to Assent to no allowances but wtt are equall and Just, his allowance is but for one Com̄ittee this Assembly.

It is Remarked that the Lr from the navy office and Certificate from the ordinance office were before you and are now sent againe About Mr Parker his Excy wants to know wtt the house does about it.

As to Dr Brayes Lre to be answered the house undrtook to doe itt, neither do you Signifie wtt sort of answer you would make him.

As for Mr Cookseys Bill to Capt James Bowling for 23ll Sterling drawne march the tenth 1691/2 on Mr Peter Paggen and Endorsed to Mr Saml Groome or ordr &c. tho being protested it cannot be allowed; before Mr Cookseys Accts & the Com̄ittee and other papers are perused and Inspected, therefor referered till next Sessions of Assembly, as the drawing formes of Oaths to be taken by the officers & Charge to the Grand Jury is referred.

It is proposed that the Gentlemen of his Majtie honble Councill be also paid out of the 20000l ovr plus Tobo to be p. 94 levied as well as the provinciall Justices. His Excy has received back Mr Plater and Mr Muschamps accts but did Expect you would have made some remarque upon thm wch you have not done.

In Answer to yor Message abt some of his Majties Honble Councill to be joyned wth the Com̄ittee appointed for the apportioning the publick levy his Excy does say that wt had been done in my Lord Baltimores tyme wil not be admitted as presidentiall; but his Majtyes honble Councill do say that In Govr Coplyes tyme some of their Membrs were alwayes Joyned not only in apportioning the Levy: but also wth the Com̄ittee of Accts and do think themselves to have as much right to be concerned therein, as the membrs of the House of Delegates, therefor it is Expected that all the Gentlemen proposed be Inserted and first nominated in the Levy law otherwise it will not be passed. Original Journal.

As to Yo^r^ Earnestly Expecting his Ex^cys^ Comands to attend at this board in ord^r^ to putt an End to this Sessions; His Ex^cy^ does say that if you had taken the Method proposed to you at first yo^r^ hopes and Expectations might have been answered long ago and saved the Country a great many thousand pounds of Tob:

It is Consid^r^ed that seing the house has Concluded nothing ab^t^ the Indian affair, the Assembly be prorogued by proclamation

The matt^rs^ ab^t^ the Rangers being taken into Consid^r^ation, it is concluded that the Rangers of Baltemore County be Disbanded & Dismissed care being taken that they should be paid off and is ord^r^ed accordingly

Ord^r^ed that the Rangers upon Potomeck be likewise dismissed; but it is hereby resolved and ord^r^ed that Consid^r^ing the assembly have left the Matt^r^ ab^t^ the Indians undetermined, the hon^ble^ Colonell John Addison do appoint ten men and two Captaines to raing by turnes and observe and follow the same Instructions as the form^r^ Rangers who are to be paid according to Act of Assembly but it is ord^r^ed that Cap^tn^ Brightwell be not one of these two officers. And it is hereby directed and ord^r^ed that his hon^r^ Colonell Addison take Care to raise the said ten men and Officers w^th^ all Expedition possible whom he is to place some where Convenient for strengthning the frontier plantations as he see fitt and most serviceable to his Maj^ty^ and Safety of his Country it being thought unnecessary to keep them at the Garrison now there is a peace and no fear of any french or oth^r^ Indians attacking those parts besides the returne of the ꝑiscattaway Indians may now at this tyme be expected thither, if they come att all, yet it is thought necessary that the old Rangers be still Continued and kept in service & pay utill the new ones be rightly equipt and Establisht; and is ord^r^ed accordingly p. 95

Aprill the 2^d^ 1698

The Councill againe Sate and were present as yesterday The Remarques upon the Resolves yesterday being fair writt out & ꝑused were sent by the hon^ble^ Tho^s^ Tench & James Frisby Esq^rs^ together w^th^ Benjamin Halls Bill of Exch^c^ and Letter from the navy office and Coppy of the Certificate from the ordinance office.

Brought from the house the following Resolves Viz^t^ p. 96

Original Journal.

By the House of Del March 31th 1698

Resolved that M^{r} Jn^{o} Perry be Continued publick for the ensuing year upon the Same foot as first Appointed

Signed ꝑ Ord^{r} W Bladen Cl Del.

Ap^{rll} 2^{d} 1692

Assented to by his Ex^{ncy} his Maj^{ties} hono^{ble} Councill

Hen: Denton Cl Conl.

Brought from the House of Del by M^{r} Campbell and fiue other Memb^{rs} the following Answer of the house to the Remarks of this Board on Yesterdays resolves;

By the House of Delegates Aprill the 2^{d} 1698

Answer to Severall Remarks upon the resolves of the House sent yesterday by M^{r} Benj$^{'n}$ Hall and others

As to the Revivall Bill

1st We have done our Dutyes in preparing a Reviving bill and if his Ex^{cy} will not pass it, It lyes not at our doores.

2^{d} As to M^{r} Sewall since we are to Disburse the Countryes money We are the Proper Judges of w^{ht} is fitting to be Allowed.

3^{d} As to his Maj^{ties} Hono^{ble} Councill

What we first designed was true, Yet we were so tend^{r} of their hono^{rs} that We would not Suffer it to Appear upon our Journa^{ll}

5 As to M^{r} Denton

That which yo^{r} Ex^{cy} & hono^{ble} Councill Call a Comittee The house (tho they Acquiess wth it) do not approue of that it should be Called by th^{t} name, being the people Sum̄oned had no Authority from the Country & durst not freely debate the matter wth Y^{r} Ex^{ncy} Wherefore the house Desire to be Excused from Making any further Allowance to M^{r} Denton upon this Score When We Settled the Clk of the Councill in Assembly Sallary of 12000^{ls} tob^{o} ꝑ an. he Did promise th^{t} the Country should further Charge for Any Writing in Relacōn to his s^{d} Office. This Allowance of 100^{l} tob^{o} was Intended for both Com̄ittees however is orded in the Journall of the Com̄ittee of Acco^{tts} p. 102

As to the Lett^{r} from the Navey Office we cannot returne any Answer Vnles we Se Esq^{r} Randolphes Lett^{r} And being it is Directed to him he ought to returne an Answer to it

Original Journal.

An Answer shall be returned to the Certificate from the Ordinance Office

As to the Protested bill of Ex^{a} allowed M^{r} Benj^{n} Hall It is not Consist^{t} with the hono^{r} of this house to Delay the paym^{t} of soe Just a Debt and of w^{ch} we are soe well Satisfied. Therefore humbly pray Y^{r} Ex^{ncy} and Councill will Consent to the payment thereof

As to the paym^{t} of his Maj^{ties} Councell^{rs} As far as the overplus tob^{o} will Extend the house agree they may be Equally Allowed

As to the proposall ab^{t} the Leavy Law We doe say that we make Use of noe p^{r}sidents in the Lord Baltemores time That in the Assembly held in 1692: in his Ex^{ncy} Govern^{r} Copleys time two of the hon^{ble} Councill were Added to the Com̄ittee of Acco^{tts} but not Admitted being denyed their Votes, and thereupon did not Sit in the s^{d} Com̄ittee And for the Appointing of the Publique Leavey Assesed that Assembly they did not Sitt nor were they Appointed by the Law therefore nor euer since till the last Assembly

The s^{d} Gent^{n} not being Elected or being the representatiues of the Country haue noe right to dispose of the Publique Assessm^{ts}

And if his Ex^{ncy} and his Maj^{ts} hono^{ble} Councill will not Assent to the law as proposed wee Cannot to any Alteracōn. p. 103 Wee haue Instantly made Answer to all things th^{t} were proposed according to the Sence of this house though perhapps not to Ex^{ncys} Satisfaction But know not why wee should be Detained here on purpose to Constrain us to Comply with Your Ex^{ncy} in those things w^{ch} are not agreeable to the Sence of the house nor for the Advantage of the Country

As to the Acco^{tts} of Govern^{r} Copleys time We doe not think it worth our time to look back so farr upon the s^{d} Acc^{tts} not knowing where to haue Satisfaction for anything Amiss therein

Signed ꝑ Ord^{r}
W Bladen Cl Dom

It is remarqued on the Answer of the House this day brought by M^{r} Campbell & Others.

1st That the bill of Revivall not passing can in no waise be laid to the Charge of his Ex^{ncy} or his Maj^{ties} hono^{ble} Councill considering the passing it in those words could be directly opposite to one if not both of those two Royall Instructions of his Sacred Maj^{tis} laid before you; therefore you are the Cause of all the ill Consequences that shall happen for want of Reviving those Laws which will Expire at the End of this Sessions.

2^{d} About M^{r} Sewell. This Board doe say th^{t} tho: you

Original Journal. have the Power of Raising money yet you Cannot dispose of the Same without the Joynt Consent of his Ex^{ncy} and his ma^{ts} hon^{rble} Councill.

3d About the Reflection Cast upon his ma^{ts} hon^{rble} Councill. The answer of the house thereto is as ill rep^{r}sented as their intended Resolve in that matter.

5th Concerning the Committee about Indian affaires in October His Ex^{ncy} does say that he with advice of his Ma^{ts} hon^{rble} Councill has power (paramount to yo^{rs}) of calling together any number of men to Consult of any matter or thing for his M^{atys} Countreys Service which that was for, and p. 104 this greater number may appoint a Committee to draw up the Severall matters & things into certain heads, which was by them done & his Ex^{ncy} not with them, and whoever Reported to yo^{r} house that those which called together upon th^{t} most urgent & weighty Occasion (in Ord^{r} to the putting his ma^{ts} leige people of this his province to as little [expense] as possible) durst not ffreely debate the matter wth him & does not prove it upon Oath; he looks upon it to be a ffalse Scandalous and Seditious Report upon this his Ma^{ts} Governm^{t} when the Clerk of this Board Agreed with the Last Assembly and not this. It was upon the same ffoot with the Clerk of the house, and if further allowance is thought fit to be made to him the same Reason Subsists for the other.

6: As to what answer you give in Relation to M^{r} Benj^{a} Halls protested bills. This Board does say th^{t} if it does not Consist wth the hon^{r} of yo^{r} house the s^{d} matter should be Referred. It does not Consist with the Justice of his Ex^{ncy} & his ma^{ts} hon^{rble} Councill to allow of it untill they are better Satisfyed, and they suppose that the delaying the paym^{t} of the s^{d} bill is not in the least to be ballanced with the Damage and accidents which may happen to his ma^{ty} and his Loving subjects of this province in not having the Oath's (w^{ch} of the same nature upon Comparing are found by them differing one from anoth^{r}) and Grand Jury Charge Regulated. According to proposall; for want of w^{ch} his Ma^{ty} and the Lord Baltemores Power seem to be mix't and Confounded together and was rep^{r}sented and Complained of by the Grand Jury at the Last prov^{ll} Court a Copy whereof was laid before you as also the Booke.

7: About paym^{t} of his ma^{ts} hon^{rble} Councill out of the Overplus Tob^{o} it is not assented to, unless they be proportionably allowed out of the s^{d} Tobacco.

8: Your answer to the proposall ab^{t} the Leavy Law, as to the Leavy Law There being 40000^{l} Tob^{o} Overplus, more than is particularly allotted by the Journall of the acco^{ts}. His Ex^{ncy} cannot suffer it to be disposed of, without the number of

Councill^{rs} proposed be inserted in the s^{d} bill or otherwise the Original
method of Virg^{a} may be taken in that Case which is by apportioning Journal.
the Leavy in Assembly time. His Ex^{ncy} does say he
supposes he (with the advice of his ma^{ts} hon^{rble} Councill) has
the same liberty of Returning answers to what Comes from p. 105
the House as you have; and as to what you intimate of being Detained here on purpose to Constraine you to Comply with his Ex^{ncy} in those things w^{ch} are not agreeable to the sence of yo^{r} house nor for the advantage of the Countrey, He denyes them & can give it no milder a Term and Expects you should prove them before his most Sacred ma^{ty} or the R^{t} hon^{rble} the Lords Commission^{rs} for Trade & fforreign plantacōns, but he thanked God he is not Contious of having done any thing this Assembly contrary to the writt by w^{ch} you now sit but has Endeavoured all Lawfull and Equitable ways & means to accomplish them. M^{r} Speaker sent to To attend his Ex^{ncy} in Councill at the State house with all the members Came accordingly whom his Ex^{ncy} told them their Severall miscarriages this Sessions; and Caused the answer of the Board this day to severalls as also Remarks upon severall Resolves this day to be publickly Read and so returned to the Councill Chamber.

Brought from the House of Delegates by m^{r} Harris & Severall other of the Houses members the following Message.

By the House of Delegates Aprill the 2d 1698.

We have maturely Considered the Severall proposalls & Remarks by yo^{r} Ex^{ncy} made to us this afternoon in the State House as also the Severall proceedings Votes Resolves and messages sent to yo^{r} Ex^{ncy} and his ma^{ts} Hon^{rble} Councill this p^{r}sent sessions, & doe find them to be so humble modest & Rationall that we do see noe Reason we should recede from them; but will leave them upon our Journall.

Only begg leave in answer to these following Remarkes to acquaint yo^{r} Ex^{ncy} that as to the words Serj^{t} at Armes it was a meere mistake and ought to have been a messeng^{r} in the nature of a Serj^{t} at Armes.

As to this House Adjourning to the Speakers Chamber we had yo^{r} Ex^{ncys} Consent thereto as appears upon our Journall the 16th of March.

As to our Sending a Verball message to the Clerk of the
Council for papers without his ma^{ts} Hon^{rble} Councills knowledge p. 106
or Leave we acknowledge the Same an Error, but not any wise done out of presumcōn. As also the like Error in sending for the Hon^{rble} S^{r} Thomas Laurence Secretary.

Original Journal. We have appointed Mr Philip Clark & Wm Taylard to ꝑruse and Consult Books to draw up certain forms of Oaths for the Severall Officers to take and the Grand Jury Charge agt the next Sessions of Assembly.

As to the 40000lb Tobo left upon the Journall of the Committee of Accots Wee put in 20000lb Tobo at his Exncys Instance and the other 20000lb Tobo we design'd to pay the Honrble his Mats Councill and the Gentlemen that apportion the publique Leavy but rather then wee will admit of any Novell, we are willing It should not be left upon that Journall. Signed ꝑ Ordr

W Bladen Clk: Dom Del.

His Exncy is pleased to demand of the Board whether or noe he had spoke any thing when at the house otherwise than plain mattr of fact who say not, and doe very well approve of what was Say'd. In Reply to the answer of the House Just now brought by mr Harris and others it is Remarked as follows vizt

1: This Board doe say tht there is noe such thing can appear upon the Journall of yor house of having His Exncys Consent for yor Adjourning to the Speakers Chamber at an Ordinary only his Exncy thinks that Majr Thompson & some other member Came, and told him so, as he was walking upon the State House hill after they were adjourn'd to that place

2: His Exncy is pleased to appoint the honrble Sr Thomas Laurence Baront Secryr, Coll: Henry Jowles & Thomas Tench Esq to Examine into the accounts & papers Relating to Mr Benjn Halls protested bills of Exa against the next Sessions of Assembly & to make Report accordingly.

4: It is supposed tht yor meaning is tht the 40000l Tobo should be wholy left out, if soe and yor allowing Mr Sewall his Exncy will assent to and pass the allowances made in the Journall of p. 107 the Committee of Accots Except those of Mr Jackson Mr Kilbourn, for the Speakers Chamber and the other Ordinary keepers upon the accot of Committe's siting wch are not admitted of & Mr Ben: Halls bill as before:

Lastly his Exncy these two Remarks upon the whole answer, Vizt

That it is not Nemine Contradicente.

2ly: That Some of you have given up part of the Infalibility as to all the rest of the materiall points, in which you suppose yorselves to have been so modest, mild & humble, his Exncy Expects that you will assert the Same before his Sacred maty or the Rt honrble the Lords Commrs ffor Trade & fforreign plantacōns, where he does not doubt (God willing) but to make you appear as little infallible as you have shewed yorselves already.

In answer to the Return of the House concerning the

Original Journal.

Quarter of the publick Revenue. This Board does say that the Acco^{ts} of the Quarter part of Pocomoke is a mistake of the Receiver m^{r} Plater being then Concerned for that District, who shall explain it.

As for the mistake you think to be in M^{r} Platers Acco^{t} for potomock, Care will be taken to Examine him about it. A Lett^{r} from yo^{r} House supposed to be for my Lord Bishop of London, has been here Read; and his Ex^{ncy} says that he's sworn to have his Reputacōn & Hon^{r} supported and vindicated by some of you.

But shall rather looke upon it as a Scandall to have it so for he Can prove one of yo^{r} House to be a villian upon Record if not worse and severall others their lives & Conversations to be too well known both in this Countrey & England That they are not agreeable to truth and Justice.

Signed ꝑ Ord^{r} Hen: Denton Cl. Concil

Aprill the 3^{d} 1698:

The Councill again Sate and were p^{r}sent as on Saturday It is observed by this board that for want of the House of Del. Returning an answer to the Last message sent them on Saturday night they have spent the Countrey Twenty thousand pounds of Tobacco more then needs which it is believed must p. 108 have been done on purpose by some of the members th^{t} are Justices and Attorneys of the provintiall Court w^{ch} is to sitt to morrow and it is likewise observed that in some former assemblys (in Ord^{r} to dispatch business in the Conclusion of an assembly they have sat up till 2: or 3: a Clock in the morning.

Esq Tench is sent to ask the Speaker to what place the House is adjourn'd; who Return's and say's that they adjourn'd to the Speakers Chamber lest he should be indisposed that he could not goe soe ffarr as the State House but finding himself better this morning he intends to Adjourn the House to the State House.

His Ex^{ncy} is pleased to observe thereon th^{t} when he Called them up last Saturday he left them in the State House and acquainted the Speaker that was the place to doe business therefore does not know by what authority they Adjourn'd themselves again to an Ale House.

His Ex^{ncy} having been pleased to Communicate to the Board what he intended to say to the Speaker and the House upon the breaking up of this Sessions the same is well approved off. Whereupon his Ex^{ncy} is pleased to say, that by what he finds the House will not make an End these two or three days.

Wherefore the Hon^{rble} Colon^{ll} Henry Jowles and Thomas

Original Journal. Tench Esq are ordered to Command the Speaker & the whole House (in his ma^{ts} name) to attend his Ex^{ncy} in Councill immediately but to the House deferring they are sent again to know the Reason of their delay and Com̄and them to Come fforthwith, who return and say they are coming. Came accordingly M^r Speaker attended with the whole House and p^rsents these following bills formerly p^rused & ffair Engrossed and assented to by his ma^{ts} Hon^{rble} Councill To w^{ch} his Ex^{ncy} on behalf of his ma^{ty} was pleased to assent by subscribing them thus, viz^t

At the Port of Annapolis Aprill the third 1698:

On behalf of his ma^{ty} King W^m the Third &c. I will these p. 109 to be Laws. At which time the map & plott of this Town being produced and publickly shewn to the assembly who were told of the accident that had happened thereto by the Ratts having eaten Several parts thereof the same being amended and ffairly transcribed by m^r Richard Kilburne (who made Oath that he writt it from m^r Richard Beards Book from whence it was originally Engrossed) was Sealed on the ffour sides thereof with the Broad Seal, & with his Ex^{ncys} Seal at the head and ffour Corners having red tape drawen on Cross the back sides thereof.

M^r Philip Clark's Peticōn to his Ex^{ncy} S^r Edm^d Andross his ma^{ts} Govern^r of Virg^a read & other p^rceedings of the prov^{ll} Court thereon.

M^r W^m Bladen was Sworne to declare what Extravagant discourse he had heard from the s^d Clarke as also what m^r Elisha Hall told him of the s^d Clarks behaviour Relating to the assembly. His Ex^{ncy} was pleased to tell M^r Speaker and the House.

That M^r Speaker had broke his word with him in that he promised to keep the Kings prerogative untouch'd which he had not done, but suffered it in Severall points to be invaded whereas it lay in his power to obstruct and hinder it by adjourning the house when he found them Runing into Extortions as is his Duty in all such Cases.

That by the Actions and Behaviour of the House they think themselves to have an Arbitrary and unbounded power.

That those in the House they have liberty & ffreedom in debate in all matters except Capitall, Yet would have them know th^t when they Return to the respective County's they are not to give out or declare any thing tending to the disturbance of this his Ma^{ts} Governm^t by infusing strange notions p. 110 in the peoples heads w^{ch} he thinks fit to Caution them of and

Original Journal.

th^{t} they be not so Considered in promising what great things they would doe (in Redressing Grievances if they were chose) That the true Grievance of the Country he takes to be the open violation of Devine & Humane Laws, for which he hopes in God all p^{r}sons will take Care off; not to break them any more soe ffarr as humane nature will admitt of.

That his Ex^{ncy} was not insencible of the great difficulties he was like to meet with since he has had the hon^{r} of being his most sacred Ma^{ts} Gov^{r} of this his province espectially of late; but he thanks God of whom he begged assistance & relyed that what he undertook had prospered, many are the discouragem^{ts} & humane oppositions; but in the Same mind and hopes what is remaining to be done will have the like success that he has Endeavoured (tho he Confesses but weakly) to imitate his so great a Master who hath so steadily p^{r}sued the Glory of God, & the universall good & Wellfare of all his Subjects, wherefore may Justly be called the ffather of the Countrey.

That all the Recommendacōns & proposalls of this last Assembly have been noe otherwise then for the Glory of God his Ma^{ts} Service & Good of this his ma^{ts} province & no eparticular Interest of his Ma^{ty} nor private design of his own.

That lastly with the advice of his ma^{ts} hon^{rble} Councill he had Considered to prorogue them untill the Third day of may ensuing, and accordingly did prorogue th^{m} to that time.

Hen Denton Cl Concil

PROCEEDINGS AND ACTS
OF THE
GENERAL ASSEMBLY
OF MARYLAND,

At a Session held at Annapolis, March 10, 1697/8, *to April* 4, 1698

CHARLES CALVERT, LORD BALTIMORE,

Proprietary.

FRANCIS NICHOLSON,

Governor.

THE LOWER HOUSE OF ASSEMBLY.

Maryland ss: Original

Porte of Annapolis March the 10th 1697/8. Journal.

Whereas the Generall Assembly of this province according p. 157 to his Matys writte of Election, directed to the Severall and respective Sherrifes of the Severall Countys to sum̄on and call together the freeholders and Inhabitants of the said Countyes to elect and choose Delegates or Representatives for their Severall Countyes, as also to the Mayor Recorder and Aldermen of the City of St Mary's and the freemen of the said city to elect and choose two citizens for to serve for the said City, which said Writts bear date and were Issued the 11th day of Ianry in the in the nineth year of his Matys reigne &c Annq: dmi 1697 could not possibly be convened and mett together att the porte of Annapolis upon the 23d day of ffebry 1697/8 as by the said writts of Election was appointed his Excy the Govr with advise of the Gentlemen of his Matys honble Councill did by his Matys writt of prorogation bearing date the 23d day of ffebry 1697/8 prorogue, deferr and put off the said meeting of the Generall Assembly which to have been on the 23d day of Ffebry aforesaid untill the 8th day of March ensuing att which said 8th day of march severall Gent being elected, to serve for their Severall countyes as also for the City of St Maryes did according to the prorogation afd meet in the State house in this porte, but for as much as they did not conceive themselves as then a sufficient number to proceed to business or choose a Speaker, none of the Gent elected for the Severall countyes on the Eastern Shoar of the province appearing in the house or being then arrived, they sygnifyed their resolution to his Excy the Govr Whereupon he was pleased by his Matys other writt of prorogation dated the 8th Inst further to prorogue them untill the 10th day ensuing att which time it was hoped that all or most of the Gent on the Eastern shoar being arrived (to witt of Talbott, Kent, and Cæcill Countyes the Severall Gent Elected according to the prorogation last mentioned did assemble themselves together in the State house and having made his Excy the Govr acquainted therewith he commanded them having taken the oaths, by law appointed and subscribed the Test to Elect and choose their Speaker.

Whereupon they Elected and choose the honble Major Thomas Smithson Speaker of the house, and accordingly

Original Journal. p^r^sented him to his Ex^cy^ the Gov^r^ for his approbacōn who upon the said Maj^r^ Smithson disableing himselfe therein answered that he thought the house of delegates have made p. 158 their choise upon mature consideracōn and that he himselfe concurred therein, that the said Major Smithson was a person every way capable of that Imploym^t^ and therefore told him that he could not excuse him.

Then M^r^ Speaker on behalfe of the house, desired his Ex^cy^ that the Libertys and priviledges of the house might be ratifyed and allowed them by his Ex^cy^ and that he might have free access to his Ex^cys^ person upon all occasions requireing the Same, which his Ex^cy^ was pleased to assure them of for which M^r^ Speaker in the name of them all gave his Ex^cy^ the hearty thanks of the house.

After which his Ex^cy^ was pleased to order a goun to be given to M^r^ Speaker wherein he was imediately invested.

Also his Ex^cy^ gave to M^r^ Speaker a small mace which he told him he might make use and deliver to the person that should be appointed to attend this house, in the nature of Serg^t^ att Arms, who by bearing the Same should have Authority to take such persons and bring them before M^r^ Speaker and the house, as M^r^ Speaker and the house should direct him.

Then was his Ex^cy^ pleased to sygnify to the house the reason of their being now called together bespeaking them as followeth.

Hon^ble^ Gentlemen,

God Almighty having been pleased by his Maty^s^ unimitable valour and Conduct to restore an hon^ble^ peace to his own Kingdoms and Dominions as well as to his Confederates. I think we are in all duty bound to keep as Solemn a Day of thanksgiving in this his Maty^s^ Province as we are capable of, concerning which I do not in the least doubt but that you agree with me as also in signing a most dutyfull and Loyall address to his most sacred Maty upon this happy occasion.

And I Judge this a proper tyme to have read to you their Ex^cys^ the Lords Justices proclamation for publishing the peace between his Maty^s^ and the ffrench King with the severall Articles thereof. As also the R^t^ Hon^ble^ the Lords Com^r^ for Trade and plantations theire letter to me concerning the said proclamation which being read his Excellency further added.

M^r^ Speaker I here give you his Maty^s^ most gracious speech to both houses of Parliam^t^ on ffriday the third of December 1697, and by the latter part of it you will see how extraordinary happy all of us are who have the good fortune of being Subjects to so greate a King.

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Gentl His Matys Royall Com̄ission and Instructions to me I have endeavoured (according to my duty) to follow, and pursuant to some of them by the advice and consent of his Matys honble Councill and the late house of delegates I have already on his Matys behalfe passed severall Laws and ordinances and I hope that by the Divine assistance you will p. 159 agree to present such others as are Still wanting and shall be consonant to the writts by which you are here mett that I may pass them likewise.

And when you Gent of the house of delegates are ready. I shall order to be laid before you the ꝑticulars especially concerning.

1st The Church. 2d the Indians. 3d the Militia, 4th the schools, 5th about altering the winter County Courts. 6th and a certaine method of holding Assemblyes.

After which Mr Speaker and the rest of the house having taken theire Leaves of his Excy Mr Speaker took the chaire.

And Resolved by the house that during the sitting thereof they will go to prayers abt 10 or 11 of the Clock each morning and then to dinner.

The Severall Members of the house being called appeared for St Marys City. Capt: Thomas Waughop.

St. Mary's County
Mr Philip Clarke
Majr Iohn Lowe
Mr Iacob Moreland
Mr Thos Neale

Calvert County
Mr Iames Crauford
Majr Walter Smith
Majr Elisha Hall
Mr Iohn Leech

Kent County
Mr Michael Miller
Majr Thos Smith
Majr Ion Whittington
Mr Simon Willmer

Charles County
Mr Iames Smallwood
Capt Philip Hoskins
Mr Henry Hawkins
Mr Benjamin Hall

Ann Arundell County
Majr Iohn Hammond
Capt Richd Hill
Mr Iames Sanders
Mr Sanuel Young

Baltemore County
Mr Iohn Hall
Mr George Ashman
Mr Thomas Staley
Mr Richd Tilghman

None of Somersett and Dorchester Countys.

Cecill County
Mr William Harris
Col: Hans Hanson
Col: Iohn Thompson
Mr Iohn Conishe

P. Georges County
Mr William Hutchison
Col: Ninian Beale
Mr John White

Original Journal. Ordered that Mr Thomas Rennolds attend this house as Serjt att Arms, and he being called in Mr Speaker delivered him the mace.

Appointed of the Comittee of Elections and priviledges Major Ham̄ond, Mr John Hawkins, Capt Philip Hoskins Mr William Harris and Mr Michael Miller

House adjourned till 7 of the clock to morrow morning.

Ffriday March 11th 1697/8

p. 160 Major William Barton one of the Delegates of Prince Georges County sending his excuse by his brethren the delegates of tht County that he could not attend the house by reason of his great sickness is excused

His Matys most gracious Speech to both houses of Parliament, read

Comittee of Elections and priviledges sent out.

The petition of Iames Baker door keeper to the house wherein he desires some small fee may be settled upon him for all petitions prferred to the house, being read is rejected. Yet the house considering his extraordinary diligence do resolve to allow him once every year 400l Tobo more than what has been usually allowed him in lieu thereof.

House adjourned till 12 of the clock

Post Merediem. House mett.

Mr William Taylor appears in the house as a Burgess of St Mary's City. Mr Thos Hicks and Mr Walter Campbell and Mr Jacob Lockerman appear as Delegates of Dorchester County.

Mr Edward Lloyd sent with them to his Matys honble Councill to have them Sworne, who returnes with them and Reports that he saw the usuall oaths administered unto them and also saw them Subscribe the Test.

Major John Hamond Chairman of the Comittee of Elections and priviledges presents the following Reporte Vizt

March 11th Ano Dni 1697/8

We the Comittee appointed for Inspecting into Elections and priviledges do make Reporte that St Marys, Kent, Ann Arundell, Calvert, Charles, Cecill, Dorchester, Prince Georges and Talbott Countys do appear to us to be duly elected and chosen.

As to Baltemore County we find only two Indres retained which we do conceive to be contrary to the Tenor of the writt offer them to the consideration of the house

We have not as yet received the returns of the City of S^t^ Mary's and Somersett County Original Journal.

John Hamond, Chairmanm.

The Indentures of the returne of the Election of the delegates of Baltemore county falling under the consideration of this house the same appear to be somewhat insufficent yet severall persons who subscribed the Indentures and were present at the said Election being now in Town and ready to Testify upon their oaths to the legallity thereof

Resolved by the house that the hon^ble^ the Councill be desired to examine them and to certifye the depositions therein to this house.

Whereupon the following Message is sent to his Hon. by the Gen^t^ appearing here for Baltimore County.

By the house of Delegates March 11^th^ 1697/8

For as much as a Dispute hath arisen in the house concerning the dueness of the Election of the gentlemen appearing as delegates for Baltemore County we desire his hon^ble^ the Chancillor will upon oath examine Thomas Brown, Thomas Roberts, Francis Robinson, Micholas Fitzsimons, Subscribers to the Indentures and what other ꝑsons th^t^ can give theire Testimony therein in relation to that election and certify the same to this house. p. 161

Signed ꝑ order. W. Bladen Cl: house of Del:

In answer thereto the aforesaid Gen^t^ of Baltemore County bring the following Message

By the Gov^r^ and Councill in Assembly March 11^th^ 1697/8

In answer to the houses request about Baltemore County delegates the following ꝑsons were examined and sworne before the hon^ble^ Henry Iowles Chancell^r^ in Councill concerning the election of the said Delegates Viz^t^ Thomas Brown, Thomas Roberts Francis Robinson, Nicholas Fitzsimons, Samuel Brown, and Edward Hansley who upon their oaths do severally say that M^r^ Robert Ashman, M^r^ Thomas Staly, M^r^ Iohn Fferry and M^r^ John Hall, by Indenture returned to serve as Delegates for Baltemore County this present Assembly were freely and Duly elected by the freeholders of the said County without any opposition

Signed ꝑ order Hen Denton Clk: Councill.

Original Journal. Whereupon put to the Question in the house, whether the said Gen^t be duly Elected and ought to sitt as representatives of the County of Baltemore or not and carryed in the affirmative that they are duly elected and ought to sitt.

Put to the Question if the Sherrife of Baltemore County for his making such insufficient returne shall not be sent for and examined before this house thereupon. And Carryed in the affirmative that he shall be sent for.

Whereupon Resolved M^r Speaker sent his warrant for him which was done as followeth.

Whereas Maj^r Iames Maxwell high Sherriffe of Baltemore County hath not made any perfect or sufficient returne of the Election of the Delegates or Representatives of the said County. These are to will and comand as also to authorize and empower you George Robinson Messenger especially appointed in the nature of Serj^t att Arms, imediately to repaire into Baltimore County and there to take and bring along with you the said Maj^r Iames Maxwell to answer his Misfeazance therein before this house. Signed ꝑ order.

To George Robinson Messenger Especially appointed in the nature of Sej^t att Arms for the Executing this precept

p. 162 M^r Iames Sanders and Col. Iohn Thompson reporte to the house That whereas M^r Robert Tyler, M^r Hugh Ryley and an Indian called Woodquare, can give some information in relation to the Piscattaway Indians. Therefore his Ex^cy desires the house that they may be examined before them in relation thereto and Hugh Ryley appearing Saith that a Certaine Indian Called Woodquare that never fled with the other Indians but remained here always being Suspected of holding correspondence with our enimies, and by Col: Beale taken and carryed to Annapolis in the Interim and a certain young Indian that was bred at M^r Sam^ll Chews came down to M^r Robert Tylers to know what was become of Woodquare and missing him ran away and left his gun and some other things att M^r Tylors, but withall desired they might be sent to Hugh Ryleys whence he would send for them, and that the said young Indian haveing expected that Woodquare was hanged two other Indians lately came down to see what has become of him and to carry his Squaw away and to bring with them the young Indians things which they could not have.

An Indian called Woodquare being called into the house saith that the young Indian had told the Indians att the mountains that he did not know whether he was hanged or not and further the said Woodquare saith, that he asking the young Indian if the other Indians Intended to come in or not he believed they would not.

Whereupon the house considering that the same was of no great Consequence it is referred to the Gen^t appointed for decideing differences between the English and the Indians. Original Journal.

Upon the motion of Col: Ninian Beale one of the members of this house, Alledging that he was in danger of being very much damnifyed by reason of M^r Thomas Greenfield high Sherriffe of Prince Georges County by virtue of a Warrant of Resurvey to him directed for the Resurveying of a Tract of Land called the Majors Lott belonging to the said Col. Beale, has appointed the 14^th Instant for executing of the said precept, and that he the said Col: Beale and M^r William Hutchison his chiefe evidence were attending this house and could not be present att the Resurvey.

Wherefore the house not being willing to Spare them, Resolved M^r Speaker send his Letter to the Sherrife to deferr the execution thereof till sometime after the Assembly be broak up.

Whereupon the following letter is written and Col: Beale sent to his Ex^cy and Councill for theire concurrence therein.

Whereas by virtue of a Warr^t of resurvey Issuing out of the Provin^ll Court, and directed to the Sheriffe of Prince Georges County requireing and directing the said Sherriffe to sum̄on the Surveyor of the said County and a Jury of freeholders by law qualified to resurvey a tract of Land lying in the County af^d called the Maj^r Lott, which said Warrant bears date the . . . . day of October 1697 and is returnable before his Maty^s Iustices of the said Court the Sixth day of Aprill ensueing, for as much as M^r Thomas Greenfield sherriffe of the County af^d hath appointed the fourteenth instant for the executing thereof, and it so happening that Col. Ninian Beale and William Hutchison Delegates for the County aforesaid and members now actually attending this house, are principally concerned therein, the said Col. Beale as owner of the said land and M^r Hutchison as an Evidence to the meets and bounds thereof, and cannot well be spared out of the house. p. 163

These are therefore to require the said Sherriffe to desist and put off the executing of the said Warrant untill the sixth day after the breaking up of this Sessions of Assembly, to the end the said Col: Beale and M^r Hutchison may attend thereon.

Signed by order. W Bladen Clk: house of Del:

Assented to by his Exc^y and his Maty^s hon^ble Councill.
Hen: Denton Clk: Councill.

Then appointed of the Comittee of Agrievances, M^r Iames Sanders, M^r W^m Harris, M^r George Ashman, M^r Symon Willmer and M^r William Hutchison.

Original Journal.

Saturday March 12th 1697/8. House mett.

Read over what was done yesterday. Mr William Taylor, added to the Comittee of Agrievances. Leave given to Major Walter Smith to go and adjourn Calvert County Court and returne with all expedition.

Ordered that the Serjt att arms bring Thomas Gray the person that arrested Mr Millers Servt before this house.

The said Thomas Gray being brought before the house saith, that which he arrested Samll Manthop the said Manthop never told him that he belonged to any of the members of this house, but that so soon as he knew it he did not restraine him of his Liberty, and begging pardon of the house for his Ignorance is excused and dismissed.

The house resolved themselves in to a grand Comittee of the whole house and choose Mr Philip Clarke chairman thereof.

The Comittee being adjourned to the house and Mr Speaker haveing taken the chaire.

Mr Clarke reportes that the comittee do conceive it most for the honr of the Governmt that when his Excy please to confer with the house, that they should wait upon him att the Councill Chamber And that the house send a message to his Excy that he would be pleased to forbear that practice.

House adjourned till 12 of the Clock.

Post meridiem. House mett.

p. 164 Mr Thomas Hicks and the other delegates for Dorchester County, alledging that Major Thomas Ennalls who is Elected one of the representatives for that County upon his Iourney thither was taken very ill and rendered unable to come hither, he is thereupon excused.

Resolved the following Message be sent to the Governour.

By the house of Delegates March 12th 1697/8.

May it please yor Excy

It having fallen under the consideration of this house whether it were convenient and consonant to the rules and Methods of Parliament and assemblys that your Excy should be present here whilst the house is sitting. We have Resolved that the same as it hath not heretofore been usuall so it ought not now to be practicable. Therefore humbly desire that when your Excy pleases to confer with this house you will order us to attend you att the Councill Chamber it being more for the Grandeur and honour of the Kings Government, that we should there attend your Excy then that you should give yourself the trouble to come downe to us.

We are with all dutifull respect. Your Excy Most humble Servts Signed ꝑ Ordr W Bladen Clk: house of Del.

Sent by Capt: Waughop, Major Lowe, Majr Thomas Smith, Mr Sanders Mr Leech, Capt Hoskins, Mr Ferry, Mr Tilghman, Mr Campbell, Carvill and Mr Wight, who returne to the house and say they have delivered theire Message. Original Journal.

Severall papers relating to the Acts of Trade and Navigation as also a comission to administer an oath to his Excy the Govr for the increase of Shipping and navigation, read in the house.

The house adjourned till 7 of the Clock on Munday Morning

Munday March 14th 1697/8.

House met, and being called over, was absent Mr Iames Crauford.

Ordered that there be two Iournalls Kept of the proceedings of this house, And that the clarke employ an assistant.

Resolved that the following Oath of Clark of the house be administered to William Bladen the present clark.

You W. Bladen as clark of the house of Delegates do swear that according to the best of your skill and knowledge you will well and faithfully Execute your said office and keep a fair Iournall of the houses proceedings and returne the same into the Secretarys office without any alteracōn, and that you shall not divulge reveale or disclose the secretts of the house to any person whatsoever. So help you God.

Mr William Harris and Mr Iohn Hall sent to the honble the Chancellr along with the clark to have him sworne.

Who returne to the House and Reporte, that they saw the above oath administered unto him which he tooke.

Resolved that the Comittee of Laws prepare a Bill for the reviving of the process of Cecill County Court lately discontinued by the falling of that Court. Comittee of Agrievances Sent out. p. 165

Put to the Question and Resolved by a Majority of voices that a Bill be prepared to alter the winter County Courts (that is to Say) January Court to the same Tuesday in Aprill, and the act for Superseeding executions to take place the tenth of May.

House adjourned till 12th of the clock.

Post Merediem. House mett.

And Resolved the following Message be sent to his Excy the Govr & his Matys honble Councill Vizt

By the house of Delegates March 14th 1697/8.

This house being well apprized of an ordinance made att a sessions of Assembly held in May 1696, as appears by the

Original Journal. Iournall of the Councill in Assembly folio 49 whereby it was ordeined th^{t} publique and County ferrymen should keep ordinary without paying for theire lycences, and whereas Severall persons have been thereby encouraged to keep fferry's Cheaper expecting the benefitt thereby proposed and designed them we humbly entreat your Ex^{cy} that they may not be deprived thereof.

Signed ꝑ order. W Bladen Ck: house of Del:

Sent ꝑ Major Thomas Smith, Cap^{t} Waughop, M^{r} Tilghman and M^{r} Campbell who returne to the house and say they delivered theire Message.

Then came down the hon^{ble} Col: Robotham and Col: Addison to this house and sygnified that his Ex^{cy} comanded them to attend him at the Councill Chamber.

House adjourned for halfe an hour, to waite on his Ex^{cy}

House Mett. M^{r} ffrancis Jenkins, M^{r} John Bozman, M^{r} Walter Lowe, and M^{r} Sam^{ll} Collins appear as Delegates for Somersett County M^{r} Campbell and M^{r} Lockerman sent to the Councill with them to have them sworne.

House Adjourned till 7 of the clock to morrow Morning.

Tuesday March the 15th 1697/8.

House mett, and called over, Then read over what was done Yesterday as also from the beginning of this assembly. M^{r} Campbell and M^{r} Lockerman reporte they saw the Delegates of Somersett County Subscribe the Test. Debated in the house Concerning the piscattaway Indians.

House adjourned till 12 of the clock.

Post meredicm, House mett. put to the Question if this house do think it convenient that his Ex^{cy} the Gov^{r} should make a Warr with the piscattaway Indians or not, and carryed in the negative nemine Contradicente.

p. 166 Then came the hon^{ble} Thomas Yemls and Iames Frisby Esq. and brought the following Message from his Ex^{cy} and his Matys: hon^{ble} Councill.

By his Ex^{cy} the Gov^{r} & Councill in Assembly
March 15th 1697/8

There being two of the navall officers now attending in order to make oath to their acc^{ts}. It is required that the house would sent ab^{t} six of the members to see them sworne that the said officers may be dispatched out of Towne and it is recomended by this board that the house would consult whether they think it necessary to prohibite the exportation of Corne and provisions

Original Journal.

Signed ꝑ ord Hen: Denton Clk: Councill.

Resolved the following message be sent to his Excy the Governor and his Matys honble Councill.

By the house of Delegates March 15th 1697/8.

This house do desire that the honble Board will appoint some of theire Members to joyne with some of ours in Order to consider what methods will be best to be taken in relation to our neighbour Indians and for secureing the ffrontier plantations.

Signed ꝑ order, W Bladen Clk house of Del.

Sent ꝑ Capt Hill, Majr Thomas Smith, Mr Miller, Mr Slaly Captain Hoskins and Mr Iohn Hall, who are also ordered to see the navall Officers and deliver the following Message.

By the House of Delegates March 15th 1697/8.

We have sent six of our members to see the Navall Officers make oath to theire accompts and also to signifye to the honble board, that we are of opinion that it will not be convenient to prohibite the exportation of corne and provisions.

Signed ꝑ order. W. Bladen Clk. house Del:

Capt Hill and the other members returne to the house and say they have delivered the Message and saw Mr Samll Watkins Navall officer of Putuxent and Mr Iohn West Navall officer of Pocomoke swear to their accompts.

Appointed of the Comittee of accompts
Majr Thomas Smith, Mr Iohn Hall, Col: Iohn Thompson, and Capt Philip Hoskins.

House adjourned till 7 oClock to morrow morning.

Wednesday March 16th 1697/8.

The house being mett and called over. Came the honble James Frisby Esq. with the following message from his Matys honble Councill.

Original Journal.

By his Ex^cy^ the Gov^r^ and Councill March 16^th^ 1697/8.

This Board has appointed the hon^ble^ Col. George Robotham, Thomas Tench Esq. Col: Charles Hutchins and Col. Iohn Addison to joine with some of the houses members to consider about the Indians affairs according to request so soon as time and place is agreed on.

Signed ꝑ order. Hen: Denton Clk: Councill.

Cap^t^ Waughop, Major Ha͞mond, M^r^ William Hutchison M^r^ Philip Hoskins, M^r^ Ferry, M^r^ Lowe, M^r^ Iohn Whittington M^r^ Hicks, M^r^ Elisha Hall, M^r^ Tilghman, M^r^ Bozman and M^r^ Harris are appointed to treate with the Gentlemen of his Maty^s^ hon^ble^ Councill, this afternoon where the said Gentlemen shall appoint Concerning the Indians and make Reporte to this house

Appointed of the Comittee of Laws.

M^r^ Philip Clarke, Cap^t^ Ric^d^ Hill, M^r^ Iames Crauford, M^r^ W^m^ Hemsley and M^r^ W^m^ Taylard.

Col: Thompson and Doctor Lockerman return and say they have delivered theire message, and that his Ex^cy^ says he is well Satisfied.

The Co͞mittee of Laws and all other Co͞mittees sent out. House adjourned unto M^r^ Speakers Chamber in this porte att 7 Clock to morrow morning. House met and called over.

Then Read over what was done yesterday.

Major Walter Smith appears in the house and takes his place.

Reported to this house from the Comittee of agrievances, That the Co͞mittee having ꝑused the Act for empowering the Com^rs^ of the County Courts to leavy and raise money to defray the necessary charges of theire Countyes and for that the Comittee made no penalty or fine therein, so that they continually augment the County Charge and the partye agrieved have no redress. Therefore the comittee conceive it a great agrievance and humbly represent that a Law with a penalty be made one halfe thereof for defraying the County charge the other halfe to the informer.

Whereupon, Resolved that it be referred to the Comittee of Laws, to enquire whether the Law be sufficient or not.

That the Comittee find it an agrievance that the Sherriffes and Deputy Comissarys in the Severall Countyes exact and extorte fees contrary to Law Coloured by takeing Bills therefore.

Thought fitt that a clause be inserted that no Sherriffe or Deputy co͞missary hereafter take or extorte any Bills from any persons whatsoever for any ffee unless the account and perticulars thereof be endorsed on the said Bill so that the party agrieved may be relieved, otherwise such bill to be voyd.

Original Journal.

Referred to the Comittee of Laws to prepare a Bill for redress thereof

Likewise the comittee represent it as an Agrievance, that the Svrall vestrymen, Justices of the severall Countyes of this province for very slight occasions have been arrested, sum̄oned and compelled to appear att Annapolis to theire great Damage and charge, therefore pray remedy for the future.

Resolved that Mr Michael Miller and Mr William Taylard draw up an address to his Excy the Govr to redress tht agrievance.

The said Comittee further represent that it is a great agrievance to this province, that Severall Attorneys by orders of Councill without being Legally convicted of any crime have been dismissed from theire practice as attorneys much to the disatisfaction of the court and country where they practice, and as the Comittee is informed. George Plater, Wm Dent and Robt Gouldsborough Esqr by the names of the Kings Councill att Law have signed an opinion under theire hands that justifyes the sd orders of Councill to the Genll disatisfaction of the Inhabitants of this province, the Government never prretending to any such power before from the first seating of this province and therefore desire that the house would move his Excy the Govr that the said opinion signed as aforesaid may be publickly burnt by the Sherriffe of Ann Arundell County. p. 168

Ordered that Thomas Renolds Serjt att arms Go and take Mr George Plater, Mr William Dent, and Mr Robert Goldsborough into Custody and bring them before this house.

Who being brought to the barr of the house in custody of the Serjt att arms and examined why they would ꝑsume to give theire opinions so contrary to Law in relacōn to the deposeing of Attorneys.

Mr Dent says that without due proof of some misdemeanour the house should not conceive ill of them, that he will be very Ingenious and not deny any thing that he ever did, and that he hath always faithfully and honestly behaved himselfe in the Station of his Matys Solicitor Genll of this Province, and when called by his Excy the Govr hath faithfully given his opinion to the best of his Judgmt and apprehension.

Whereupon the said Gentlemen of his Matys honble Councill are dismissed and ordered to attend the house in the afternoon.

Ordered that Major Walter Smith and Mr Benjamin Hall go to the clarke of the Com̄ittee and demand Copies of the Severall proceedings in Councill relating to the dismissall of Mr Iames Crauford from being any Attorney.

Original Journal. Further Reported by the said Comittee of Agrievances that whereas by an ordinance of Assembly there is 400ˡ of Tob° allowed for suing of Bonds due to his Matys attorney Genˡˡ and other the Kings Lawyers for Lucre of the said office have putt in suite severall Bonds when Certificates have been lodged in the Secretarys office for discharge of the same, and have likewise putt in suite severall County Bonds tho there hath been no default, to the great oppression of the inhabitants of this province, therefore desire that the said ordinance may be Explained and that the said attorneys have no fees for the same.

Referred to the Comittee of Laws to make an Explaining ordinance for redress thereof.

House adjourned for 2 hours.

Post merediem, house mett and called over.

p. 169 Major Walter Smith, and Mʳ Benjamin Hall returne to the house and Reporte that Mʳ Henry Denton Clk: of the Councill says that he has no such papers as the Kings Lawyers opinions and other papers relating to Mʳ Iames Crauford.

Then came down the honᵇˡᵉ Thomas Tench Esq: and Col: John Addison and acquaint the house that his Exᶜʸ orders and comands Mʳ Speaker and the house Imediately to attend him att the Councill chamber. And thᵗ if Mʳ Speaker was so much indisposed that he could not come up thither his Exᶜʸ would come down to Mʳ Speakers chamber.

Resolved that the following Message be sent to his Exᶜʸ

By the house of Delegates March 17ᵗʰ 1697/8.

This house considering the sickness of our Speaker if your Exᶜʸ pleases to condesend so fare as to come down to the Speakers chamber we shall be ready to receive your Excellency.

Signed ꝑ Orᵈ W Bladen Ck: house of Delegate.

Sent ꝑ Mʳ Campbell and Mʳ Iohn Carvile who return and say they have delivered theire Message and that his Exᶜʸ and His Matyˢ honᵇˡᵉ Councill are att hand.

House adjourned for one hour. House again mett.

Resolved the following Message be sent to his Exᶜʸ the Governour and his Matyˢ honᵇˡᵉ Councill.

By the house of Delegates March 17ᵗʰ 1697/8.

This house humbly desire his Exᶜʸ will be pleased to order the clarke of the Councill to deliver to our members herewith sent a Copy of his Maty^s^ Lawyers opinion in relation of Attorneys for the ꝑ^r^usall of this house. Original Journal.

Signed ꝑ order. W Bladen Clk: house of Del.

Sent ꝑ Benj. Hall and Ed: Lloyd.

House adjourned till 7 Clock to Morrow Morning, att the Speakers chamber.

Friday March 18th 1697/8.

House mett and called over. Then read over what was done Yesterday. M^r^ Ben: Hall and Edward Lloyd say they delivered theire Message to his Ex^cy^ and bring a Copy of his Maty^s^ Lawyers opinion relating to the Dismissall of M^r^ Iames Crauford Viz^t^

October the 14th 1697,

May it please your Ex^cy^

We have considered the within returne of the Justices of the Calvert County Court relating to Iames Crauford, and we are of opinion that it is contempt in the Justices in not obeying your Ex^cy^ order. We are also of opinion that your Ex^cy^ may dismiss or suspend any person from practicing the Law within this province upon Just and sufficient cause shewn to your Ex^cy^. The process proper ag^t^ the said Iustices is a venire facias unless your Ex^cy^ will be pleased to call them before yourselfe and the hon^ble^ his Maty^s^ privy Councill. p. 170

All which we humbly Submitt to you Ex^cy^

George Plater
A True Copy. ꝑ   W^m^ Dent
Hen: Denton Clk: Councill.   Rob^t^ Gouldsborrough.

Which being read, ordered, That his Maty^s^ Lawyers be again called before the house.

It being Reported from the Comittee appointed to consider about the Indian affairs. That, 1^st^ They do unanimously agree and are of opinion that for creating a right understanding in the matter concerning the piscattaway Indians It will be absolutely necessary by some means or other to send to the said Indians and acquaint them if they will returne into this province and Settle themselves amongst us as formerly, this Government (upon the happy news of a peace in Europe) are willing to pass by and forgive all former Injurieyes by past on condition they behave themselves friendly and quietly for the future.

To which proposall the house do concurr.

2. That the Co̅mittee conclude that the most expeditious

Original Journal. way of sending this Message to the said Indians will be by an Indian considering that present circumstances of affaires unless it be thought adviseable to communicate the said matter to his Maty^{s} Gov^{r} of Virginia forthwith.

Which this Comittee do humbly leave to the consideration of his Ex^{cy} and his Maty^{s} hon^{ble} Councill and house of Delegates in Assembly now Sitting but that if his Ex^{cy} S^{r} Edmond Andros be sent to and consent in this affaire th^{t} then the Message be sent by English.

Whereupon put to the Question in the house and resolved, that the Message to be sent to the Indians, be sent by an Indian.

3^{dly} It being represented by the Delegates from Baltemore County that they are in no dread or apprehensions of fear through Indians in those parts This comittee are of opinion that the continuing of the Rangers in Baltemore County for secureing those frontiers is needless and may be dismissed if his Exc^{y} approves thereof.

The house concurr therewith Nemine Contradicente, that the Rangers in Baltemore County be disbanded.

4. The Comittee find that the persons appointed to treat with the Indians att the head of the Bay have made noe returne in obedience to the order, so this comittee have not to say further therein.

5. His hon^{r} Col: George Robotham the following acc^{t} of the Choptank Indians Viz^{t} That they are more condesending, peaceable and quiett then ever he knew them before, his hon^{r} Col: Hutchins gives the same acc^{t} of the Indians in Dorchester
p. 171 County, and M^{r} Iohn Bozman gives likewise the same relation of the Indians in Somersett County.

6. The Comittee do unanimously conclude and agree that it will be convenient and necessary that the Gen^{t} by act of Assembly appointed for decideing differences betwixt the English and Indians in Gen^{ll} that now there being a Generall peace throughout christendom they may have the same happiness here if they will be neighbourly friendly and Quiettly.

Resolved that the said Gent: do acquaint the Indians therewith.

Then the house considering that they had sent the af^{d} comittee out Especially to consult it were necessary to continue the Rangers or to strengthen the fronteir plantations upon Potomack att New Scottland, by placing some of these Rangrs among the Inhabitants att their Severall plantations and for as much as by a reporte of the Comittee it does not appear to this house that the same was thereby debated.

Resolved the following Message be sent to his Ex^{cy} and the hon^{ble} the Councill Viz^{t}

By the House of Delegates March the 18th 1697/8. Original Journal.

For as much as this house did give Instructions to theire Severall Members to debate in the comittee with his Majtys honble Councill. Whether it might not be thought fitt to discontinue the Rangers att the Garrison att potomack and strengthen those frontiers plantations by placing some persons constantly there to reside. Upon reading the Reporte of the said Com̄ittee, we do not find that the same hath been as yett by them debated.

Therefore humbly desire your Excy and his Matys honble Councill to direct your members further to continue the conference with ours.

Signed ꝑ ordr W Bladen Cłk: house of Delegates.

Sent ꝑ Mr Hawkins and Mr Jenkins.

House adjourned for two hours to Mr Speakers Chamber.

Post Merediem. House Mett. George Plater Esquire, Mr William Dent and Mr Robt Goldsborough his Matys: Lawyers appear in the house and a Copy of theire opinion by them signed relating to the suspencion of Mr Iames Crauford, being read to them.

They say theire opinion was then so, and yett is the same, though they do confess nemo Mortalium omnibus horis Sapit But shall be willing to alter theire Judgement upon better argument.

But at present owning and seeming to Justify the said opinion are ordered to attend the house to Morrow Morning by 8 Clock to produce Authorityes to Iustify theire opinion if not to be concluded by this house.

The said Gentlemen departe the house.

Mr Edward Lloyd, added to the Com̄ittee of Laws. It being proposed from his Excy and his Matys honble Councill, that the house would consult whether the Indians att the head of the Bay do live within the bounds of this province or not? In answer to which this house do say that by the best Information we can gett we conceive the said Indians do not live within the bounds of this province. p. 172

Upon proposall from his Excy the Goverr and his Matys honble Councill.

Resolved that Mr Michael Miller, Major Walter Smith, Major Iames Smallwood Mr Thomas Staly, Dr Iacob Lockerman and Mr ffrancis Jenkins be joined with some of the members of his Matys honble Councill to view the State house and and to settle some person to keep the same in order and to hoist the flagg.

To see the materialls gott towards the building of the

Original Journal. church and consider Mr Thomas ffielder, for his pains in making the moddell of the church and for his trouble in viewing the church &c. also the said Comittee are ordered to enquire what money hath been and is raised towards the building of the church and free schoole and what preparations are made to the building thereof.

And Thereupon the following Message Sent

By the House of Delegates March the 18th 1697/8.

We have appointed our members herewith sent to joyne with some of the honble Board according to proposall to Inspect the accts of the money given towards building of the church att Annapolis and to view the work still to be done to the Stadt house, and have sent them to acquaint your honors therewith and that we desire they should meet this afternoon att Col: Robothams Chamber in order to make reporte thereof to this house.

Signed ꝑ order.
W. Bladen Ck: House Del:

Sent by Mr Michael Miller and other Members.

House Adjourned till 7 of the Clock to morrow Morning att Mr Speakers Chamber.

Saturday March the 19th 1697/8.

The House mett, and called over. Then read over what was done Yesterday.

A Bill for the restraining the Extortions of Sherriffes and Deputy Comissarys read the first tyme and passed.

A Bill for recontinuing the late discontinued process of Cæcill County Court, read the first time and passed.

A Bill for appointing Court days in each respective County, read the first time and passed.

His Matys Attorney and sollr genll and Mr Gouldsborough his Matys Councill att Law within this province appeare in the house. And are asked if they would Submitt theire opinions that they were not according to Law the house being willing to draw things to an Easy conclusion.

p. 173 The Gent do confess themselves to be frequently in Errors yet hope they are not so att present and produce severall Authorityes, which are conceived rather to be agt them than for them.

Major Dent acquaint the house that Mr Denton Clk: of the Councill being ordered this day to attend upon a comittee, he is ordered to attend upon his Excy and Councill to take some minutes therefore, desire to know if he may attend thereon and is told he may. **Original Journal.**

Whereupon the Gentlemen departe this house.

Resolved by the house that a certaine opinion of the Kings Lawyers signed by George Plater Wm Dent and Robert Gouldsborough Esq. bearing date the 14th day of October 1697 wherein they have Given Councill to his Excy the Governour in these words.

May it please your Excellcy

We have considered the within returne of the Justices of Calvert County Court relating to James Crauford and we are of opinion that it is contempt in the Justices in not obeying your Excys orders.

We are also of opinion that your Excy may dismiss or suspend any person from practiceing the Law within this province upon Just and sufficient cause shewn to your Excy The process proper agt the said Judges is a venire facias unless your Excy will be pleased to call them before yourselfe and the honble his Matys privy Councill.

All which we do humbly Submitt to your Excy

Geo Plater
Wm Dent
Robert Goldsborrough.

Is a very dangerous opinion tending to the depriveing of people of theire freehold and liberty upon bare suggestion, without any presentment of their peers and to the Exasperating his Excy the Govr agt the Justices of the peace &c of this province unjustly for protecting people in theire Rights.

Whereupon Resolved the following address be sent to his Excy the Governor &c and his Matys honble Councill:

To his Excy Francis Nicholson Esqr and his Matys Honble Councill.

The humble adress of all the Delegates of his Matys Province of Maryland now in Assembly sitting.

Whereas it was complained to us that Mr George Plater, Mr William Dent and Mr Robert Goldsborough had signed a certaine opinion abt Law which your Excy was generously pleased to lett us have att our humble request, this house upon full hearing of theire Argumts and prsidents, have Resolved that it is a very dangerous opinion giving liberty to the depriving and forejudging his Matys Subjects of theire freehold and livelyhood upon bare suggestions without any

Original Journal. p. 174 p^r^sentment of theire peers and to the Exasperating your Ex^cy^ ag^t^ his Matys Justices of this Province for protecting people in theire Rights according to theire oaths to the great vexation of his Maty^s^ Subjects and dishon^r^ of his Majesty.

But if your Ex^cy^ and Councill will att the humble address of his Maty^s^ Subjects shew such mark of displeasure to them as to consent with this house that the Gentlemen each of them pay ten Shillings a piece to our Serj^t^ att Arms and suffer the said paper to be burned and receive M^r^ Crauford to your Ex^cy^ favour, you will give us occasion to Magnify your Justice and and readyness to preserve our Rights and to be always tender of your Ex^cy^ honour and to pray for your long continuance amongst us.

Signed ꝑ order, W^m^ Bladen Ck: house Del:

Sent by M^r^ Campbell, M^r^ Lane, M^r^ Hicks, Major Lowe, M^r^ Wright, M^r^ Cavile, M^r^ Tilghman, M^r^ Elisha Hall, M^r^ Sam^ll^ Young, M^r^ Whittington, M^r^ Willmer and Capt^t^ Haskins.

Who returne to the house and say they have delivered their message to his Ex^cy^ the Governour.

The petition of S^t^ Paules Parish on the north side of Chester River desireing the upper part of that parish may be added to Shrewsburry parish and the Lower part of that parish to S^t^ Paules parish, read, and ordered that a Bill be drawn up therefore.

All comittees be in called in. Read the further Reporte of the Gent^n^ appointed by this house to treat with the members of his Maty^s^ hon^ble^ Councill concerning the Indians wherein the Gen^t^ of the said Comittee are equally divided in theire opinions as to the continuing or discontinuing the Rangers att the Garrison att potomack,

Whereupon this house do refer it to his Ex^cy^ discretion to continue the said Rangrs att such place and so near the Inhabitants that they may hear any alarm upon Occasion. And that upon accomodations with the Indians his Ex^cy^ would be pleased to call in these Rangers which this house do not think worth the while to keep out.

Whereupon Resolved the following Message be sent to his Ex^cy^ &c.

By the house of Delegates March the 19^th^ 1697/8.

Upon reading the further Reporte of the Comittee concerning the Indians.

This house confiding in your Ex^cys^ good conduct and well knowing that your Ex^cy^ never exposed us to unnecessary charges, do humbly referr it to your Ex^cy^ discretion to continue the Rangers att New Scottland att such place as you shall think fitt until the Indians do come in, but humbly advise it may be so near the Inhabitants that they may hear any alarme upon occasion. Original Journal.

And that upon accomodations with the Indians, Your Ex^cy^ will be please to call in those Rangers which this house do not think further necessary to be kept out.

Signed by order, W Bladen Clk: House Delegates.

Sent by M^r^ Henry Hawkins, M^r^ Thomas Staley and M^r^ Francis Jenkins.

Upon the petion of M^r^ John Gadesby leave is given to his Councill to bring in a Bill to vest two tracts of land in him sold by George Norman of Ann Arundell County to the said Gadesby but never made over according to law. p. 175

House adjourned till Monday Morning 7 Clock to M^r^ Speakers Chamber.

Munday March the 21^st^ 1697/8.

House mett, and called over. Absent M^r^ George Ashman.

A Bill for restraining the Extortions of Sherriffes Sub: Sherriffes and Deputy Comissary's, read the second time and passed.

A Bill appointing Court days in each respective County, read the 2^d^ time and passed.

A Bill for Reviving Cecil County process, read the 2^d^ time and passed.

The aforesaid Bills sent up to his Matys hon^ble^ Councill by M^r^ Hawkins M^r^ Hemsley, Major Smallwood, M^r^ Lane, M^r^ Jenkins and M^r^ Collins.

A Bill for Stay of Executions after the 10^th^ day of May yearly. read the first time and Comitteed for amendment.

A Bill for the better dividing and laying out of S^t^ Paules Parish and Shrewsbury Parish, read the first time and comitted for Amendment.

It being moved to the house that Major Iames Maxwell high Sherriffe of Baltimore County lyes dangerously sick.

The sending for the said Maxwell before this house is deferred till the next sessions.

A Letter to his Ex^cy^ the Gov^r^ written by a Minister of the church of England giving an Acc^t^ of the ꝑsumptions of popish priests in Charles County in visiting dying and phrantick persons and endeavouring to make proselytes of them and also administring the Sacrem^ts^ to them in such dying and phrantick condition.

Original Journal. Whereupon put to the Question if a Bill shall be drawn up to restreine such theire ꝑsumption or not, and carryed by the Majority of voices in the negative.

But Resolved nemine Contradicente that his Ex^{cy} be addressed to issue his proclamation to restreyne such theire extravagances and p^{r}sumptions.

House adjourned till one of the Clock in the afternoon.

Post Merediem. House Mett. absent M^{r} Ashman.

Resolved the following address be sent to his Ex^{cy} the Gov^{r}

By the house of Delegates March the 21st 1697/8.

Upon Reading a certaine Letter from a Reverend Minister of the church of England which your Ex^{cy} was pleased to comunicate to us complaining to your Ex^{cy} how that the popish priests in Charles County do of theire own accord in this violent and rageing Mortality in that County make it theire business to go up and down the County to persons houses when dying and phrantick and endeavour to Seduce p. 176 and make proselytes of them and in such condition boldly ꝑ^{r}sume to adminis^{r} the Sacrem^{ts} to them. We have put it to the vote in the house, if a Law should be made to restreyne such theire ꝑ^{r}sumption, and have concluded not to make such Law att present, but humbly to entreat your Ex^{cy} that you would be pleased to issue the proclamation to restreyne and prohibite such theire extravagante and ꝑ^{r}sumptious behaviour.

Signed ꝑ order. W Bladen, Clk: house Delegates.

Sent by M^{r} Staley and M^{r} Young, who returne and say they have delivered theire Message.

A protested Bill of Exch: due from the Country drawn by M^{r} Samuell Cooksey Nav^{ll} Officer of potomack upon Cap^{t} Petre Paggen payable to M^{r} Iames Dowling of S^{t} Mary's County being considered by the house, Resolved the said Bill and the damage of the protest be paid M^{r} Ben: Hall who is intermarried with the said M^{r} Bowlings Executrix by the publick Treasurer of the Western Shoar.

His Ex^{cy} the Governour having acquainted the house that it was wished a method of holding the Assemblyes might be ascertained.

The house taking the same into consideration do unanimously resolve that they will draw up no methods of holding assemblyes, but continue in the forme they have done, but as they shall gain Experience will endeavour to come nearer and nearer to the practice of the parliament in England as the constitution of this province will admitt.

Comittee of Laws sent out. Original Journal.

The Reporte of the Comittee of agrievances taken into further consideration.

It being by the said Comittee Reported. That they have considered it as a great agrievance been sued att his Mat^ys^ Suite upon navigation and Country Bonds but no ꝑson nominated att whose request such action or suite was comenced, so that many times in case of dismission of such action the Def^t^ is left with out remedy for costs.

Therefore for the future the comittee prays that some rule or ordinance may be made that no such action be brought unless the writt be first endorsed att whose request the same issues, so that the persons Def^t^ may apply themselves for agreement or other wise be provided to make theire defence.

Referred to the Comittee of Laws to draw up an explanatory ordinance thereof.

Likewise it is offered to the house that his Ex^cy^ the Gov^r^ sitting in view of the provinciall Court, the Comittee consider it an awe to Lawyers Iuro^rs^ and Suite^rs^ to the said Court, the consideration whereof is refered to the house. Resolved to be an agrievance and that his Ex^cy^ be addressed therein.

Upon Complaint of a member of S^t^ Marys County that whereas upon division of the Countys of S^t^ Mary's and Charles. It so happened that the parish church of Allfaiths parish in the said County is built near the line of the uper parte of the County very remote from most of the Inhabitants in the said parish, is offered as a great adgrievance. p. 177

Therefore it is prayed that a chapell of Ease may be built for conveniency of the Inhabitants within the said parish.

The house are willing such chappell be built and desire his Ex^cy^ will consent to an Ordinance therefore.

That the Comittee having received an order of Councill dated the 11^th^ of Ian^ry^ 1697 directed to the severall Sherriffes of the Severall counties. Whereby his Ex^cy^ declares his willingness to relieve the people from any thing that appears to be grievious or burthensome to the Inhabitants of the province, and being well assured of his Ex^cys^ favour therein, the comittee has Inspected these following Acts, Viz^t^

An Act for raising a supply towards the defraying of the public charge.

One Act Imposing 4^d^ ꝑ Ga^ll^ on all Liquors &c.

One Act for 10 ꝑ Cent on all European Comodityes exported out of this province.

One Act assessing 3^d^ ꝑ hh^d^ towards defray'ng the publicque charge of the province. One act Laying an Imposition on negro slaves and white servants, and likewise have taken into

Original Journal. consideration that the church and Court house charges are defrayed and theire being a peace, so that our neighbouring Colonyes have not occasion to draw money hence or be further chargable to the Country, so that the severall acts aforesaid appear to be grievious and burthensome.

The Consideration whereof this Com̄ittee humbly offers to the house of Assembly.

Resolved that the Comittee of Laws draw up a single address to be sent to his Excy to give leave to the Repealing the said Laws.

Message from his Excy and his Matys honble Councill by Thos Tench and Iames Ffrisby Esqrs

By his Excy the Govr and Councill March the 21th 1697/8.

His Excy is pleased to com̄and that Mr Speaker and the whole house attend him im̄ediately in Councill to settle the matter about the Indians Reported by the Comittee, being one of the principall things for which this Assembly was now called.

Signed ꝑ order. Hen: Denton Clk: Councill.

Whereupon Resolved the following Message be sent to his Excy the Govr

By the House of Delegates March 21st 1697/8.

Your Excy Command to attend you in Councill by the honble Thomas Tench and Iames Frisby Esq. who have recd and assure your Excy that we are very ready to obey them, but forasmuch as our Speaker cannot without manifest danger of p. 178 his life venture out so farr from his chamber we humbly desire your Excy will be pleased to deferr such our waiting upon you for a day or two hopeing in that time our Speaker may be better able to attend your Excy with the house. We conceive the only thing about the Indians unresolved on is what should be done in case they do not come in.

If it be so we humbly address your Excy we may be admitted to debate it here and send our Resolutions thereon to yr Excy and his Matys honble Councill.

Signed by Order. W. Bladen Ck. house Delegates.

Sent ꝑ Mr Miller, Mr Jenkins, Mr Wright, and Mr ffery who returne and Say they have delivered their Message.

House adjourned till 7 o Clock to Morrow Morning at Col: Robotham's Chamber.

Tuesday March the 22d 1697/8. Original Journal.

House mett, and Called over. Read what was done Yesterday.

Then Came the Honble Col: Iowles and brought down the Bills yesterday sent up, with remarques thereon Severall Lres and some proposalls from his Excy the Govr in Councill to this house.

By his Excy the Govr and Councill in Assembly
March 22nd 1697/8.

The Message by Mr Miller and three others of the houses Members this day sent was recd and here read and this board being willing to answer the house's Request in deferring the conference abt the Indians for a day or two longer, but withall to Signifye that there are Severall other matters which will be then also necessary to be considered.

Signed ꝑ order. Hen: Denton Cłk: Councill.

Whereupon Resolved the thanks of this house be given his Excy for his kindness in deferring the said Conferrence.

And the following Message is sent &c:

By the House of Delegates March the 22d 1697/8.

Your Excy's pleasure by the honble Col: Henry Iowles Chancellor, for deferring the conference abt the Indians for a day or two longer, we have received, for which especiall favour of your Excys to this house, we give you our most humble and hearty thanks.

Signed ꝑ order. W Bladen Ck: house Del:

Sent ꝑ Dr Lockerman, Mr Whittington, Mr Lloyd, Mr Campbell, Mr Lane, Mr Beale, who returne and say they have delivered theire Message.

Message by the honble George Robotham.

By his Excy the Govr and Councill in Assembly,
March the 22d 1697/8.

This Board having appointed Col: George Robotham. Tho: Tench Esqr Col. Charles Hutchins and Col: Io: Addison as a com̄ittee for considering abt the drawing up a bill for the better regulating of the Militia within this province, do desire the house would appoint some of theire members to Joine with them therein. p. 179

Signed ꝑ order. Hen: Denton Cłk Councill.

Original Journal.

Whereupon the house Resolved themselves into a Grand Comittee of the whole house to debate whether the old Law for regulating the Militia shall be altered and a Law made for new modelizing the same or not? and Choose Mr Philip Clarke Chairman.

The Comittee adjourned to the house, and Mr Speaker having taken the chair, Mr Clarke reports that the Comittee do unanimously agree that the old Law stands as it is without any man̄er of Alteration.

Whereupon the following Message is sent to his Excy and his Matys honble Councill &c.

By the house of Delegates March the 22nd 1697/8.

In answer to the Message sent by the honble Col: Robotham and Thomas Tench Esq. desireing this house to appoint some of the members to Joine with some Gentlemen, of his Matys honble Councill to Consider of drawing up a Bill for the better regulating the Militia of this province, the house being resolved in to a grand Com̄ittee upon mature debate have unanimously resolved that the old Law stand as it is without any man̄er of Alteration.

Sent by Major Ham̄ond, Mr Ben: Hall, Mr Saunders, Mr Young Mr Crauford, Mr Harris, Mr Campbell, Mr Whittington, Mr Cavile and Mr Elisha Hall.

House adjourned for an hour.

Post Merediem House met.

A Bill empowering the Comissioners of the County Courts to raise and leavy money for defraying the necessary charges of theire Countys, read the first and second time and passed.

A Bill for better dividing and laying out of St Paules & Shrewsburys parishes read the 2d time and passed.

The aforesaid two Bills and the bill for the stay of Executions after the 10th day of May yearly. Sent by Major Ham̄ond and others, Members; to his Matys honble Councill

Referred to the Com̄ittee of Laws, to consider of the Law for assertaining the Sallary of his Matys honble Councill.

Mr Masons Letter and account of the publick Treasury of Money and Tobaccoe in his hands read.

Ordered, that the said Mr Mason make a more full and perfect account and sweare to the same agt next sessions, or agt October next.

Committee of Laws sent out.

It being proposed by his Excy the Governour in Councill that a Law should be made for an Easy and expeditious way of decideing differences between Masters and Servants.

This house do not see any necessity for making such a Law being well Satisfyed that Servants have always had Justice done them by way of petition. Upon proposall whether the practice of sending out veneire facias by the Clk: of Indictments ag^t Severall that have bastards being too chargeable and dilatory, whether it may not be convenient to have a more expeditious way if possible found out.

Original Journal. p. 180

Referred to the Comittee of Laws to draw up a bill for remedy thereof. It being recomended that some means or other be used to restreyne the refractoriness of Seamen.

Thought that the Laws of England and of this province have sufficiently provided therefore.

Upon proposall that care be taken about regulating of ordinaryes and that none be suffered except such as will comply with the Law.

This house dos think it absolutely necessarily that ordinary's be kept att Severall places in the Severall Countys altho' the persons desireing to keep the same be not Capable of Complying with the Act now in force, for That some people by reason of the situation of theire houses so near the Roads are so pressed by coasters and Travellers Expecting free quarters that they are not that able to keep theire houses open without keeping ordinary. And for that by ordinarys kept in such places by such persons tho' indifferently qualifyed private houses are not so over much burthened by Strangers and Travellers.

That some ordinance be made for the Better secureing all Lre^s brought in by M^rs of Ships.

The house conceive it will be in vaine to make such ordinance ag^t the Masters of Ships because they take in and bring such letters upon Courtesey and under no compulsion in England.

That some better care be taken about Orphans. The Laws already made have sufficiently provided that Encouragements be given to Coopers and Carpenters. Theire wages is conceived to be sufficient encouragement. That there be certaine forme of oaths prescribed to be taken by the Severall officers within this province and charge for the Grand Juryes.

Referred to the Comittee of Laws to Enquire and make reporte to the house therein.

House adjourned till 7 of the clock to Morrow Morning att Colonel Robathams Chamber.

Wensday March the 23^d 1697/8.

The house being mett was called over. Then read what was done Yesterday.

Original Journal. The Resolves of this house upon his Ex^cys^ proposalls considered yesterday read and sent to the Councill, by M^r^ Hutchison and M^r^ Beale. Resolved that the clarke of this house give notice to the hon^ble^ S^r^ Thomas Laurence Barr^t^ his Maty^s^ p. 181 Secretary of this province and to M^r^ Charles Carroll Clk: of his Lordsip^s^ Land office to attend the house on Friday in the after noon in order to satisfy them how they both demand fees for patents.

His Ex^cys^ proposalls being taken into further Consideration Viz^t^

That there be no Ordinaries kept in the Court houses where the Records are Kept Especially Talbot and Somersett Countys Court houses and that there be a brick chimny to each Court house if any at all. And that the said houses be railed in and no other houses suffered to adjoine to them. That there be better prisons if possible near the Court houses at least to have a cage therewith a whipping post and pillory that some man be agreed with to keep Each house for fear of fire.

Upon enquiery the house do find that in S^t^ Mary's County they haveing the use of the old Stadt house the Records are there kept.

That in Kent County there is no Ordinary near the Court house, it is built with a wooden Chimney and the Records are Generally kept att the Clerks house unless in Court times.

The records of Ann Arundell County Court are Lodged in the Stadt house att Annapolis, and the County Courts are kept in that house

The records of Calvert County are kept in a very good Court house and distance enough from any other houses in which no ordinaryes are Kept nor is there any chimney.

The Records of Charles County are kept att the Clk: house and there is no ordinary kept in the Court house.

The Com^rs^ of Baltemore County have built a small Room att a little distance from the Court house where the Records are to kept in the Court house is a wooden Chimney but no ordinary within four hundred yards of it.

Talbott County Court house cost a very considerable sum̄e of Tobb^a^ and the keeping of an Ordinary therein cannot be avoided. It is most conveniently seated in the center of the said County to the Generall Satisfaction of the county and in yearly a considerable Rent.

The Records are kept there att present but the county will be willing to build a little house conveniently to lodge the Records in (wherein shall be no fire place) at some small distance from the said court house, but cañot consent that no ordinary should be kept therein.

Somersett County has a very good Court house with a brick chimney no ordinary is kept therein, and the Records are Kept now att the the clerks Lodgeings. Original Journal.

Dorchester County has a good Court house with a brick chimney, no ordinary is kept therein and the Records are kept att the clerks house.

There is a new Court house building in Cæcill County wherein may be a Brick chimney and there when finished the records are to be kept and no ordinary. A new Court house is building in Prince Georges County without any Chimney the Records att present are kept att the Clk: house till the finishing of the Court house and then to be lodged there. p. 182

Having thus considered the State of the court house of every County We do willingly consent that the said places or houses for lodging of Records be railed in, and no other houses suffered to adjoyne to them, and that there be Cages, whipping post stock and pillory's &: as near each court house as may be.

That the trees that are left in the middle of Roads be cutt down and that where there are wet places the Roads be cleared Wider then 20 foot.

The chiefe Roads are generally well cleared and made better and better every year. That protestant Servants that live with Roman catholicks have Liberty to go to church.

The house suppose that theire masters cannot hinder them from going to church, yet we believe it would be necessary a proclamation should Servants from repairing to theire parish church.

That there be an ordinance of Assembly made to be published that the Country has fully Satisfied all publick debts both in money and Toba^c upon Score of the Revolution and in Gov^r Copley and S^r Edmond Andros time the which is thought fitt to be done to prevent after illegall claims by reason there are some persons give out they are not yet satisfyed Viz: A man out of Calvert County for bringing up the Records.

Major Dorsey, Rob^t Hancock and others therefore do also propose a Law to be made to punish such persons as shall make such false Reports, And that the people be given to understand th^t where a bargain for any publick work is made the person contracted with is to be lookt upon, and not to have every one such person Imploys to trouble the Assembly with an acc^t

Thought that the Law ag^t divulgers of false news hath sufficiently provided ag^t such illegal Clamours and th^t the Satisfaction of all the publick Debts and charges will sufficiently appear in our Journalls and Records. And therefore do not think fitt by any act of assentation to sett it forth more publickly.

Original Journal. The Honble Coll: Robotham and Col: Addison bring downe the Bills yesterday sent up with remarques upon them.

House adjourned for 2 hours.

Post Merediem. House mett, and called over.

A Bill for the rectifying the ill practices of Attorneys of this province, and for the ascerteining of the Attorney Generalls and clk: of Indictments ffees, in criminal causes read the first time and passed, and sent to comittee to be transcribed.

p. 183 An address to his Excy the Govr to give leave to the repealing of certaine Laws and Impositions, read and approved of.

A Bill for securing the parochiall Librarys of this Province, read the first time and passed.

A Bill for reviveing Cecill County process read the first time and passed for Engrossing.

A Bill for restraining the extortions of Sherriffes Subsherriffes and Deputy Comissary's read the third time and passed for engrossing.

A Bill for Stay of Executions after the 10th day of May yearly, read the 3d time and passed for engrossing.

A Bill empowering the Comissioners of the Severall County Courts to leavy money to defray their County charges, read the third time and passed for Engrossing.

A Bill for the better dividing of St Pauls and Shrewsbury parishes, read the third time and passed.

The address and Bills sent to his Excy and his Matys honble Councill by Mr Ben: Hall, Mr Lane, Mr Willmer, Mr Clarke, Mr Is Hall, Mr Hutchison, Mr Fferry, Mr Lloyd, Mr Caville Mr Campbell, Capt Haskins and Mr White.

The Journall of the Comittee of Accts read out. It being represented that there is due to severall persons that went upon the Indian Treaty 20053l of Tobac as per the Iournall of the Comittee for apportioning the publick leavy October 1697.

Resolved the same be paid the Gentlemen by the Treasurer of the Western Shore.

Comittee of Laws and Comittee of Accts sent out.

Upon Reading the returne of the Gentlemen and Surveyor appointed to run out the divisionall lines of Anna Arundell and Baltemore County's, the same is well approved of and a Bill ordered to be drawn for the confirming thereof.

House adjourned till to Morrow Morning 7 Clock.

Thursday March 24th House Mett, and called over. Read over what was done yesterday.

A Bill for rectifying the ill practices of Attorneys &c. presented to the house By Mr Philip Clarke, which he read in his place this being the 2d reading.

Ordered that the address to his Ex^cy for repealing Severall Laws for Impositions be entered upon the Journalls of this house. Original Journal.

The Reporte of the Comittee about the Church and the free school, read, and also the Tobaccoe due from Cap^t William Holland, this house is of the same opinion they were last sessions.

Then came down the Hon^ble Thomas Tench Esq. and Coł: J^o Addison who bring down the Bills sent up yesterday and Severall Messages and proposalls in writeing viz^t p. 184

By his Ex^cy the Governour and Councill in Assembly
March 23^d 1697/8.

Upon the again reading the Message of the house of the 9^th Instant relating to the Indians and the Comittee's reporte there abouts, his Ex^cy is pleased in returne to answer that he gives the house thanks for theire good opinion of him and hopes they shall never have reason to say that either himself or any of his Maty^s hon^ble Councill will ever put the province to the least unnecessary Charge more than what is needfull both for his Matty^s honour and Service and for the Safety and well-fare of the Country.

Signed ꝑ order. Hen: Denton Cłk: Councill.

By his Ex^cy the Gov^r and Councill in Assembly
March the 23^d 1697/8.

Upon reading M^r Masons Letter, this day sent from the house by M^r W^m Hutchison and others this board do not find that he hath returned any acc^t but what was before Exhibited and sworne to last assembly.

Therefore see a necessity that the said Mason be sent to by reason it is thought fitt that all the publick acc^ts be now settled before the breaking up of the Assembly (Reflections being made in England how the public money is disposed of) and if the said M^r Mason is not able to discharge his duty of Treasurer that then some other person be appointed in his Stead.

Signed ꝑ order. Hen: Denton Cłk: Councill

Upon Reading which Message Resolved the following answer be sent Viz^t

By the house of Delegates March the 24^th 1697/8.

This house is allready Satisfied with the returne which M^r Mason has made being very sensible that he has not made

Original Journal. the Navall officers acc^{t} nor is it possible for him to send to the severall Sheriffes on the Western Shoar and transmitt his acc^{t} hither before such time as it is hoped this Session will break up.

Signed ꝑ order. W. Bladen Ck: house Del:

By his Ex^{cy} the Gov^{r} and Councill in Assembly
March the 23^{d} 1697/8.

This board Require the house would send up some of theire members to conferr about Settleing the Courts and that they would bring the Bill appointing court days with them.

Signed ꝑ order Hen. Denton Cłk: Councill.

Ordered by the house that M^{r} Harris, M^{r} Willmer, Major Smith, Major Ham̄ond, M^{r} Staley and M^{r} Ben: Hall sent with the aforesaid Bill upon the conference proposed, and are ordered to deliver to the Councill the Resolves of the house yesterday upon his Ex^{cy} proposalls, and a Bill for rectifying the ill practices of Attorneys and clk: of the Indictment.

By his Ex^{cy} the Gov^{r} and Councill in Assembly
March 23. 1697/8.

Upon the again reading and considering the houses address p. 185 touching the opinion of his Maty^{s} Lawyers in the case of M^{r} Iames Crauford's suspencōn &c: as to the first part thereof his Ex^{cy} does say that if the house can make it out by law that those Gentlemen have in any particular Infringed or broaken the same he will in no ways protect or shelter them, but leave them open to Justice.

But as to laying a fine upon them this Board is of opinion is a thing of dangerous consequence without a known law, however do Intend to lay before the house some matters that are rightly grievances. Viz^{t} Concerning Severall County Justices Leavying Tob^{a} upon the people for things directly contrary to Law.

As to M^{r} Craufords own particular, he is allready restored to his practice upon the Ioyfull and happy news of the peace. But if the house does hold it not to be in the Kings prerogative to suspend attorneys in this province where the same is not already given away they may lay the case before the Right hon^{ble} the Lords Com^{rs} for Trade and foreigne plantations for his Majestyes Cognizance from whom they need not fear any other than a Just and Legall determination, both in this and all other matters of a like nature.

Lastly it is demanded of the house to make answer whether all theire members were privy and consenting to the above mentioned address (nemine Contradicente) as in the same they seem to set forth. Original Journal.

Signed ꝑ order
Hen: Denton Clk: Councill.

House adjourned 2 hours. Post Merediem house mett, and called over. Mr Harris and the rest of the gentlemen appointed to conferr with the honble Councill about the Bill for appointing Court days, Reporte to the house that the amendment proposed in the bill appointing court days is that Augt Court should be left out and that the County Courts should be held in ffebruary and March yearly.

Resolved that it be an Instruction to the said Gent of the said Conference not to consent to any further alteration in the said Bill, then the incerting the words to his most Sacred Maty:

The house adjourned till to morrow morning at 7 Clock, to Mr Speakers Chamber.

Fryday March the 25th 1698.

House mett, and called over, then read over what was done Yesterday. Resolved the following message be sent to his Excy and his Matys honble Councill.

By the house of Delegates March the 25th 1698.

We have recd your Excy answer to our address in relation to his Matys Lawyers, wherein your Excy seems to reflect as if this house was partiall in representing the Grievances of this province, when att the same time your Excy is sencible that a Bill is passed by this house to prevent that grievance you make mention of in your answer as for his Matys prerogative we hope we shall have the same regard att all times as we p. 186 hope for our own rights and priviledges, we were in great hopes to have had a more Satisfactory answer from your Excy upon so great an infringemt upon our rights and Libertyes. But we have done our dutyes in representing the same to your Excy and shall proceed no further then by leaving our vote upon our Iournall to assert that Right and Liberty which before this time was never Questioned from the very first seating and Inhabiting of this province. as to your Excy demand whether all the members were privy and consenting to our address is so unparliamentary that we must beg your Excy to excuse our not answering.

We are with all dutyfull respects. Your Excy most obedient Servts

Signed ꝑ order
W Bladen Ck: house Delegates.

Original Journal. Resolved the following Message be sent to his Ex^{cy} in relation to what he was pleased to communicate to us in relation to the Piscattaway Indians.

By the house of Delegates March the 25th 1698.

This house have again taken into consideration the matter of the Piscattaway Indians and do think it so inconsiderable that they do not much regard whether any Message be sent to them or not, or whether they come in or stay out, yett if your Ex^{cy} thinks fitt to send to Sir Edmund Andross his Maty^{s} Governour of Virginia to have leave to send through his Government to them we leave the same to the Ex^{cys} better Judgment; att present we don't coneive itt adviseable to inhibitte those Indians from coming and goeing to and fro in this province as formerly so long as they peaceably demean themselves, and as a means the better to induce them to come in,

We humbly advise that the Rangers att the frontiers of potomack may be forthwith called in (or if your Ex^{cy} thinks fitt) that those frontier plantations may be strengthened by posting them or such like number of men therefore theire better security as by our former Message we have humbly submitted to your Ex^{cy} discretion.

Signed by order
W Bladen Ck hos: Del:

The answer to the Message about M^{r} Mason the aforegoing Message and this sent ꝑ M^{r} Ben: Hall, M^{r} Elisha Hall, M^{r} Campbell, M^{r} Hicks, M^{r} Bozman and M^{r} Lane.

Moved by a member that a comittee be appointed to inspect and examine those articles of charge exhibited ag^{t} his Ex^{cy} the Governour by M^{r} Gerrard Slye to the Lords Com^{rs} of foreigne plantations in England.

The house adjourned for 2 hours.

Post Merediem. House mett. And address to his Ex^{cy} the Governour and his Maty^{s} hon^{ble} Councill.

p. 187 The Humble address of the house of Delegates.

May it please your Excellency.

We the Delegates out of our bounden dutyes and sincere affections towards your Ex^{cy} do look upon ourselves to be in a strict manner obliged to represent to your Ex^{cy} all such matters as may any ways tend to the dishonour and dissatisfaction of those his Maty's Subjects whom your Ex^{cy} has been pleased to put in places of power and trust for the due administration of Iustice and likewise other officers necessary and usefull in his Matys Goverment, comitted to the Imediate care and charge of your Excy and that the honour obedience and respect due to Authority may be preserved and not by the vulgar slighted and contemned. Original Journal.

We humbly beseech your Excy will be pleased to use all suitable and direct means to support encourage and maintaine the same and with a kind and favourable aspect receive what we here begg leave to offer to the consideration of the Excy for redress thereof which are as followeth.

The Justices of the severall County Courts have been arrested and by strict and unusual means compelled to make theire appearance att Annapolis, as grievous offenders when in truth their faults if any were very Small, and pardonable to the lessening the esteem due to theire offices, and to theire great damage and Expences, and in like manner have the Vesterymen of Severall parishes been dealt with all upon very slight occasions to theire greate loss and hinderance.

Further more we humbly make known to your Excy that your Excy sitting in view of the Provinciall Court strikes an awfull fear upon Attorneys, Iurors and Suitors, giving theire attendance there, and seems to restreine that liberty and freedom heretofore used to the great dissatisfaction of the Country.

All which we humbly Submitted to your Excy great wisdom.

Signed ꝑ order
W Bladen Clk. house Del:

By the house of Delegates March 25th 1698.

This house having again Maturely debated what his Excy was pleased yesterday to offer in relation to the Law proposed for new Modelizing the Militia do finde no reason to recede from their former vote thereon, and resolve not to make any such law.

Signed ꝑ order W Bladen Clk: house Del:

This Message and the above address sent to his Excellency and his Matys honourable Councill, by Mr Harris, Mr Hawkins, Mr Elisha Hall, Mr Benj. Hall, Mr Ferry, Mr Leech and Mr Lane.

Mr Charles Carroll Clk: of his Lordsps Land office, and Mr Charles Gregory Clk: to the Honble Sr Thomas Laurence Barrt his Matys Secry appear in the house according to Sumōns last Wednesday to the said Sr Thomas and Mr Carroll. p. 188

Mr Gregory presented Mr Speaker with a letter from his master and an order of King and Councill.

Original Journal. But the dispute of the Land office is further deferred to the next Sessions of Assembly.

A Bill ascertaining the divisonall bounds between Ann Arundell and Baltemore Countys read the 1st & 2d time and passed.

A Bill Impowering Elizabeth Norman widdow Executrix of George Norman decd to make over two Tracts of Land to John Gadesby, read 1st & 2d time and passed and sent by Mr Harris, the other Gentlemen with the address.

House adjourned till to morrow Morning 7 Clock att the Speakers Chamber.

Saturday March the 26th 1698.

House mett and Called over, absent, Mr Crauford and Mr Ienkins. Then read over what was done yesterday.

The Iournall of the Comittee of Accompts read. Severall remarques by his Excy the Governour and his Matys honble Councill upon the Resolves of this house upon their proposalls taken into consideration, and debated and resolved on as followeth.

And first that a Law shall be made directing how controvercies shall be decieded between Masters and Servants and Servants and Masts

Resolved the Comittee of Laws draw up a bill therefore.

Whereas the proposalls relating to ordinary keepers and secureing of Letters brought in by masters of Ships are matters of great consequences, the house is desired to send some of there members to confer with the members of the Honble Board.

Resolved that Major Hammond, Mr Willmer, Mr Elisha Hall, Mr Benj. Hall, Mr Ashman, Mr Collins, Mr Saunders and Mr William Hutchison go and attend their Majts Councill upon the said Conference and that Mr Hutchison and Mr Saunders go and know what time the said conference shall be held.

As to the proposall or Recomendation that what grievances are received from severall parts of the County his Excy and the honble his Matys Councill expect to see and ꝑuse that Comittee Journall as also the Journall of the house of delegates.

What grievances we have received are comunicated from our severall Electors to us and are referred to our discretion, which we have already in parte represented.

p. 189 As to what has been proposed to the house concerning presenting his Maty: with some wild Turkyes, Birds, Deer &c.

The house will give notice to theire Severall Countyes that if any such can be gott they may be preserved for his Maty.

Original Journal.

As to having the Laws put in apter Language the house is well satisfyed with them and will not resolve to Imploy any Lawyer to mend them.

Upon reading that part of theire Lordsps the Lords of the Councill for trade and plantations Letter wherein they seem to take notice of the deficiency of this province in not having an agent in England appointed by Act of Assembly as other of his Majtys plantations have.

Put to the Question if any such agent shall be appointed or not and carried in the negative that no such agent be appointed.

Resolved that his Maty be addressed upon the happy conclusion of the peace.

That as to appointing a day of Thanksgiving for the peace. Resolved that this house will Solemnize such day of Thanksgiveing when his Excy the Goverr shall think fitt to appoint the Same.

Resolved that Letters of thanks be written to his Grace the Lord Archbishop of Canterbury my Ld Bishop of London, Dr Thomas Bray and Esqre Neale and that the Comittee of Laws prepare the said Letters.

Also the said Comittee are ordered to draw up an address of thanks to the Lords of the Councill for Trade and plantations for theire peculiar regard of this province.

Also to his Excys proposall about placeing the Justices of the provinciall Courts. The house wholy refere the same to his Excys good likeing as he shall think fitt.

Then came the honble Thomas Tench and Iames Frisby Esqr and brought down the Bills yesterday sent up and the severall following Messages. Vizt

By his Excy the Govr and Councill in Assembly
March 24th 1698.

The houses answer in relation to Mr Masons Letter was recd and here read, to which his Excy is pleased to say that Mr Mason has been Severall times sent to and has diverse notices time enough to have gott all his accts ready, but it appearing an absolute negligence in the said Mr Mason in not sending them according to time, this Board do not think him a fitt person to be continued in that Station of Treasurer and if any of the Navall officers have not done theire duty his Excy will take care to displace them.

Signed ꝑ order
Hen Denton Ck: Councill.

Original Journal.

By his Ex^cy the Gov^r and Councill in Assembly
March the 25^th 1698

The Message this day sent by M^r Benj: Hall and others concerning the Indians affaires was rec^d and here read, to which this board can give no answer att present, unless the house has sygnifyed theire opinion upon the Comittees Reporte relating to that matter. p. 190

Signed by order
Hen: Denton Clk: Councill.

Upon reading of the above message ordered that the houses Resolves upon the Reporte of that Comittee be transmitted to the Hon^ble his Maty^s Councill.

By his Ex^cy the Gove^r and Councell in Assembly
March the 25^th 1698.

The address of the house this day sent by M^r Harris and others representing some grievances &c this Board require that all other matters of that nature lying before you may be sent up hither that a proper answer may in due order be given to part of a Message from this board for transmitting hither the Comittee of agrievances Iournall neither have you sent any mañer of answer to severall other matters proposed

Signed ꝑ order
Hen. Denton Cłk Councill.

In answer to which Message Resolved the following Message be sent to his Maty^s hon^ble Councill.

By the house of Delegates March the 26^th 1698.

In answer to his Ex^cy Message about agrievances this house do say that they have nothing more of that nature before them att present. an answer to the former proposall as to that matter being likewise herewith sent as to the transmitting the Iournall of that comittee to your Board we conceive it never to have been practiced therefore desire to be excused therein.

Signed ꝑ order
W Bladen Cłk: house Del:

In answer to the Message about M^r Mason.

By the house of Delegates March 26. 1698.

The house are sufficiently Satisfyed with the Integrity of M^r Mason publick Treasurer of the Westerne Shoar and cannot consent to the displacing of him.

Signed ꝑ order
W Bladen Cłk: house Del:

Upon motion of the Comittee of Accts whether theire honours the Secretary and Chancellor shall be allowed 150l ꝑ diem by them claimed for theire attendance in Councill. Original Journal.

Resolved that they shall be allowed 150l tob: ꝑ diem during theire attending upon Councill in Assembly. But for as much as theire respective offices do oblige them to attend in Councill out of Assembly times, in consideration that they have such places of great profitt this house do not consent that they shall be paid any Sallary therefore.

House Adjourned for 2 houres.

Post Merediem. House met, and called over.

The petition of Mr Philip Lynes read, Claiming 50 odd thousand pounds of Tobb: of the publick for entertaining diverse persons in the year 1692 sumond to attend upon Govr Copley att his arrivall to this Gouvt p. 191

Put to the Question if Mr Lynes acct shall be allowed and paid or not? and carryed in the negative.

And thereupon Resolved that no petition to this matter shall be hereafter received.

Yett Resolved by the house in regard the said Tobacco appears to be due from severall private persons within this province the said Mr Lynes according to former Reference of the house of Assembly 1692 be again referred to the said severall persons by whom the same of Right ought to be admitted to plead the Act of limittation in barr of any actions by him to be brought therefore.

The petition of Capt Brightwell and the Rangers of potomoke; also a petition of Baltemore County Rangers read.

Resolved the said Rangers be payd according to Act of Assembly for what time they were out.

House adjourned till Munday att 7 Clock to Mr Speakers Chamber.

Munday March the 28th 1698.

The House mett, and called over, absent Majr Smallwood and Mr Ienkins, who were excused by reason of theire Sickness.

Then read over what was done on Saturday last. The petition of Mrs Rachell Hewett widdow and relict of Mr Ion Hewett late minister of the Gospell in Somersett County read, wherein she craves allowance of some arrears of her husbands sallary due from Stepney and Somersett parishes.

Resolved that the said Mrs Rachell Hewett be paid according to contract with the vestry for what time her said husband did officiate in the said parishes and she is hereby referred to the vestry for payment thereof.

8

Original Journal. Upon the petition of M^{r} Iohn Perry complaining that whereas he has been att great charges in building a brick house in the porte of Annapolis a certaine Small Markett house was since so incommodiously erected that it deprived him of his sight and prospect.

Upon considering of the said petition the house do consent that the said Markett house be removed at the petitioners charge and placed in such place as the Com^{rs} of the porte of Annapolis shall direct.

Upon reading the petition of M^{rs} Katharine Herman desireing the consideration of the house as to what damage her husband Colonel Casparus Herman sustained by great part of his pay which was to have been money Sterl: being paid in dollars and pence pieces att 4^{s} 6^{d}

p. 192 M^{rs} Hermans is Referred to the next Sessions of Assembly to make the said damage appear.

One other petition of the said M^{rs} Hermans being read, desiring to be discharged of a contract made by her late husband with the vestry of north Sasafrax for building a church for that parish.

It is the opinion of this house that the said vestry may Lawfully discharge her refunding what Tobacco her husband received with the Interest thereof.

Upon reading the petition of Iohn Cross and Edwards Saunders ferrymen of South and Seavern Rivers

put to the Question if any ferryes shall be kept att the publick charge or no? and carryed in the negative no such ferryes to be kept at the publick charge.

Then came the Hon^{ble} Col: Robotham and Iames Frisby Esq^{r} and brought the following Messages from his Ex^{cy} the Gov^{r} and his Maty^{s} Hon^{ble} Councill.

By his Ex^{cy} the Governour and Councill in assembly
March 25. 1698.

In answer to the Resolve of the house this day sent concerning the Militia of this his Maty^{s} province, this board do Solemnly declare that if any misfortune or accident should happen to this his Matys Government (which God forbid) for want of regulating the militia according to proposalls herewith sent (from which in all probality by such a regulation the country might be secured) you are the persons chargeable as like wise for what fines the people will lye lyable to for not complying with the present Law.

Signed ꝑ ord.
Hen: Denton Clk: Councill.

Heads of proposalls drawn up by his Matys hon^ble^ Councill for the better regulating and settling the Militia of this his Matys: province of Maryland, with the reasons induceing thereto, Viz^t^ Original Journal.

In the first place It is concluded that there is a necessity of a settled Militia in this his Matys province as it appeares is done in all his Matys dominions.

Since the former Act of this province seems grieveous and burthensome to the poorer sorte of people here inhabiting who bear the weight and charge of the Militia as now it plainly appears so that they lye under an obligation to defend the Interest of the Rich and theire Estates the Rich being wholly unconcerned either in the charge or trouble.

Therefore it is proposed that six Tythables be thought fitt to furnish out a foot Soldier and nine a horseman.

That the foot Soldier be accoutred with a musquett, Cartouch Box and Baggonett.

That the Trooper be accoutred with a Case of pistolls and holsters, a Carabine a Cartouch box and hanger and to have a horse and Curbe bridle.

That the footmen that is sent to muster be allowed 20^l^ tobacco a day and the horsemen thirty. p. 193

That the Severall Troopes and Companys be exercised four times a year or oftener, at the discretion of the officers.

All which proposalls for the better Settleing the Militia are thought necessary clauses and additions as to enforce the due putting in execution of the Law and for the better secureing the publick arms and Amunition. Signed by order
Hen: Denton clk: Councill.

Whereupon put to the Question if the said proposall shall be referred to the Consideration of the next Sessions of Assembly or not? and Carried in the negative.

By his Ex^cy^ the Gov^r^ and Councill in Assembly
March 26^th^ 1698.

In reply to the houses answer ab^t^ transmitting the Comittee of aggrievances Iournall hither for ꝑusall of this board his Ex^cy^ is pleased positively to declare that the house have no right to insist upon anything as matter of Custom in this Country which is not agreeable to the Lawes of England, and this board do think themselves as much concerned and to have as great reason to inspect and see what the Grievances of the Country are as well as the house of delegates.

Signed by order
Hen: Denton Clk: Councill

Original Journal. In answer to which, Resolved the following Message be sent.

By the house of Delegates March the 28th 1698.

It hath never been the practice that the Iournall of the Comittee of Aggrievances should be Transmitted to the Councill before the end of the Sessions. It being the proper part of the Representatives to show the grievances of theire countyes, and such things as we have approved of in the said comittees Journall, we have represented to your Excy for redress therein.
Signed by order
W Bladen Clk: house Del:

By his Excy the Govr and Councill in Assembly
March the 26th 1698.

The houses Resolves upon parte of the reporte made by the Comittee appointed for Indian affairs was recd and read, but it is expected that a direct answer be given to every particular article Reported by the said comittee and approved of by his Excy in Councill otherwise this board canot further proceed in this matter.
Signed ꝑ order
Hen: Denton Clk: Councill.

In answer to which, Resolved the following Message be sent.

By the House of Delegates Marce 28th 1698.

p. 194 We supposed that our former answers and resolves in this matter transmitted to the honble Board were so satisfactory that we should not have been pressed any further thereabout especially considering this house look upon the matter of the Indians to be so inconsiderable.
Signed ꝑ order
W. Bladen Clk: house Del:

Comittee of Laws enter the house.

An address to his most Sacred Maty upon the happy conclusion of the peace read.

A Supplementary Act to the Act for Regulating Ordinarys read the first time and passed.

An Act for the naturalization of Peter Dowdee a frenchman, read the first and second time and passed.

Upon proposall to the house Resolved, that those Sloops or Shallops which have permitts and belong to Ships rideing in this province which have given Security may by virtue of those ꝑmitts take in Tobacco in any District or porte of this province without being obliged to take any further ꝑmitts or make reporte to the Severall navall officers and Collectors where the said Tobacco is taken in provided this be not repugnant to the late Act of Parliament. Original Journal.

House adjourned for 2 hours.

Post meredιem. The House mett.

M^{r} Taylard added to M^{r} Wilmer and M^{r} Tilghman to Inspect the accompt of the 3^{d} for Arms &c.

A Bill for Impowering the Comissioners of Cæcill County Court to hold a Court this present year in Aprill, read the 1st & 2^{d} times & passed.

A Supplementary act to the Act for Regulating ordinarys, read the 2nd time and passed.

The aforesaid bills, the address proposed to be sent to his Maty, the Resolves of the house the two last Messages with severall petitions referred from the hon^{ble} the Councill to this house, and a Bill for the Naturalization of Peter Dowee sent to his Ex^{cy} the Gov^{r} and his Maty^{s} hon^{ble} Councill, by Cap^{t} Hill, M^{r} Hutchison, M^{r} Staley M^{r} Benj: Hall, M^{r} Lloyd, M^{r} Carvile, M^{r} Lowe, M^{r} Whittington M^{r} Lane and Coł Hanson, who returne and say they have delivered the same.

Upon the reporte of the Gentlemen appointed to inspect the 3^{d} ꝑ hh^{d} given by his most sacred Majesty for purchasing arms and amunition for the Country.

Resolve the following Message be sent to his Ex^{cy} and his Maty^{s} hon^{ble} Councill, Viz:—

By the house of Delegates March the 28th 1698. This House have ꝑused and considered Severall papers relating p. 195 to the accompt of the q^{r} parte of the 1^{d} given by his most sacred Maty for the providing this province with Arms and amunition &c and are not Satisfyed therewith, because there is no certainty of time in any papers layd before us.

Therefore if your Ex^{cy} has any acc^{t} under the hands of George Plater and George Muschamp Esq. relating thereunto which are more certaine, We humbly desire that your Ex^{cy} would be pleased to communicate them to us if not that the said George Plater and George Muschamp Esq. May be ordered to prepare full and ample account thereof from the time of your Ex^{cy} ffirst arrivance to be layd before the next Sessions of Assembly.

Signed ꝑ order.
W Bladen Cłk: house of Del:

Original Journal. House Adjourned till 7 Clock to Morrow Morning to Mr Speakers Chamber.

Tuesday March the 29th 1698.

The House mett, and called over.

Then read over what was done Yesterday.

Then came the Honble George Robotham and James Ffrisby Esq. and brought down from the honble Councill the bills yesterday sent up with Remarques thereon, and the said Bills were amended according to remarques.

They bring down Severall Messages and proposall from the honble Councill Board.

Coł: Robotham acquaints the house that he has it in comand from his Excy the Governour to give them notice of one Captain Willson that lyes in this River who has made it his business to entice the Inhabitants out of this province.

Therefore it is desired that the house make inquiry thereinto.

By his Excy the Govr and Councill March the 28th 1698.

In answer to the Message of the house concerning the Transmitting the Journall of the Comittee of aggrievances hither for inspection of this Board. It is conceived that such grievances as are presented and sent up from the Inhabitants of the Severall Countyes of his Matys province ought first and principally to be comunicated unto his Excy and his Matys honble Councill and is expected and strictly required that the same be forthwith sent.

Signed by order.
Hen: Denton Cłk: Councill

In answer whereto, Resolved the following message be sent by his Excy and Councill ascerting that all grievances from the severall Countyes of his Matys province ought first and principally to be Communicated to his Excy and Councill. p. 196

This house do say that the grievances of the Country are communicated to us by our Electors, we have by Bill provided against some and others we have represented by way of address and this house resolves that we are not obliged in duty to lay them before your Excy and Councill in the way that your Excy requires or in any other way then we have already done.

Signed ꝑ order
W. Bladen Clk: house Deł:

By his Ex^cy the Governor and Councill in Assembly March the 28th 1698 Original Journal.

The Indian matter being again taken into consideration, his Ex^cy is pleased to say that provided the house give a direct answer to every particular Article reported by the Comittee in that affaire (with advise of his Maty^s hon^ble Councill) he will propose such methods to the house of Delegates as he hopes (God willing) may be for the ease and security of his Maty^s province ag^t the Piscattaway Indians.

Signed ꝑ order
Hen: Denton Clk: Councill

In Answer whereto Resolved the following Message be sent.

By the house of Delegates March the 29th 1698.

This house having already given theire full answer as to the matter about the Indians therefore desire that they may not be unecessarily deteined any further upon that acc^t

Signed ꝑ order
W Bladen Ck: ho: Del:

It being proposed and remarqued to the house by his Ex^cy the Gov^r and his Matys hon^ble Councill.

That the encouragement, of the people of this province a Law be made viz^t That all persons actually inhabiting and residing within this province, may have liberty to importe Rume or other Liquors from Pensilvania by land paying onely 4^d ꝑ Gallon therefore.

To which it is answered that if all the said acts for Impositions will not be repealed, the house is willing they should all expire of themselves.

That if the house could not agree to the method of holding Assemblyes that then a law be made to confirme what has been already done in that particular.

This house is particularly satisfied with the proceedings of this assembly and do not think it necessary to make any such act of confirmation.

The proposall for an ordinance to pass ag^t those that persuade or entice the people out of this province againe comanded.

This house do not think fitt to lay any restraint upon people, p. 197 but that they may goe where they please paying theire Just Debts.

It being remarqued as to the Resolve of the house concerning the allowance proposed to be made the hon^ble his Maty^s

Original Journal. Secretary and Chancellor of this province this Board do say that upon dischargeing what is due to them untill this present time upon the former Ordinance of Assembly which can on noe wise be denyed them; It is agreed that for the future they shall be allowed onely 150^{ls} tob: ꝑ day during theire attendance upon Councill in Assembly unless they shall be called to councill out of Towne.

The house consent thereto.

That the vote of the house relating to the militia wants explanation not knowing whether you Intended the reference to the next hon^{ble} Assembly or next Sessions of Assembly.

It was meant If it should be referred to the next Sessions of Assembly or not and carryed in the negative the sense of the house being that it should not be referred att all.

The Resolve as to Sloops and Shallops takeing ꝑmitts and is assented to but wants explanation to particularize the late Act of parliament.

The house are willing that it should be so explained Viz^{t}

An Act made in the 7th and 8th years of his present Matys reigne, entitled an Act for preventing frauds and regulating abuses in the plantation Trade.

About the publicque Ferryes seeing the house has thought fitt to Lay South River and Severn ferryes aside. It is proposed that all other publicque Ferryes be likewise layd aside.

The vote of this house was intended against them all.

Severall answers to questions in theire Lordsp^{s} the R^{t} Hon^{ble} the Lords of the Council for Trade and foreigne plantations Letter read & approved of.

And first as to Soldiers Transporting themselves into this province, we Can give small encouragement unless they be tradesmen or have sufficient stock to qualify them to procure them land and other necessaryes usefull for this Country.

As to agents to appear for us qualifyed by Act of Assembly It is the opinion of this house that considering the meaness of our Circumstances and abilityes we apprehend them wholly useless, But when we have any matters of Importance to lay before theire Lordsp. we shall authorize some fitting person for that purpose.

As to what becomes of White Servants.

After they have served theire time they are well lookt on, and theire masters cloath them well and give them all other necessaryes for one year. And those that be Industrious and frugall purchase Estates, but negligent and careless persons run the same fate here as in other Countryes.

p. 198 An act for decideing differences between Masters and Servants, read the first and Second times and passed.

House adjourned for 2 houres.

Original Journal.

Post Merediem. House mett. absent Major Smallwood sick.

A Bill for decideing differences between masters and Servants.

A Letter to his Grace my Lord Bishop of Canterbury a letter to Esq^r Neale.

The houses answers to the Lords &c. Queryes, the Resolves of this house upon Severall proposalls and the two last Messages sent to the hon^ble his Matys Councill, by Cap^t Hill M^r Moreland, M^r Ashman Maj^r Lowe, M^r Carville and M^r Hutchison, Captain Hill is ordered to acquaint his Ex^cy the Gov^r that this house desire a certaine Bill for rectifying the ill practices of Attorneys within this province may be sent downe.

The said Gentlemen returne and say they have delivered theire Message, and that his Ex^cy says if the said bill is not already sent downe It is the fault of the Clarke of the Councill.

The petition of Iames Piller and William Salisbury read, and leave given them to sell theire Barrell of Rum̄e without paying any duty therefore. The Petition of M^r Tho^s ffielder read and rejected.

The petition of Major Iames Maxwell read and rejected.

Names of Severall Gentlemen to be by Act of Assembly appointed to apportion the publicque Leavy, Viz^t

For Talbott County, M^r Speaker, S^t Mary's C^ty M^r William Taylard, S^t Mary's County, M^r Philip Clarke, Kent County Major Tho^s Smith Ann Arundell County, M^r Iames Saunders, Calvert County, M^r Iames Crauford Charles County Cap^t Philip Hoskins, Baltemore County M^r Iohn Hall, Somersett County M^r ffrancis Ienkins, Dorchester County Maj^r Thomas Ennalls, Cæcill County Maj^r Iohn Thompson and for Prince Georges County M^r W^m Hutchison.

Ordered that William Bladen be clearke to apportion the said Leavy.

House adjourned till to Morrow Morning.
7 a Clock att M^r Speakers Chamber.

Wednesday March the 30^th 1698.

Then read over what was done yesterday.

Major Iames Smallwood being very sick and much indisposed the leave of the house is given him to goe home.

Then came the hon^ble Col: George Robotham and Thomas Tench Esq. and bring downe the Bill regulateing the ill practices of Attorneys &c with severall remarques and acquaint the house that a Conference is desired thereon, they also bring downe a Bill for decideing differences between Masters

Original Journal. and servants, which is endorsed past the Board without any alteracōn (which said Bill was againe read the third time in the house and ordered to be engrossed.)

p. 199 Also severall proposalls from his Ex^cy^ the Gov^r^ and his Maty^s^ hon^ble^ Councill, whereon debated and Resolved as followeth, viz^t^ that.

1^st^ As to the proposall for Confirming the proceedings of the Assemby seeing the house is sufficiently satisfyed, with the proceedings of the Assembly and do not think it necessary to make any such Act of Confirmation. His Ex^cy^ dos in his Matys [name] Com̄and the house to make a direct answer to these following articles, which said articles do more Imediately Concerne the publick and if can be made out to be true then the Severall proceedings since that time must consequently prove erroneous.

Put to the Question whether or no the house shall make any answer to those Severall Articles of Cap^t^ Slye as by his Ex^cy^ is required.

And Carried by Majority of voices no answer to be made.

Whereupon Resolved the following Message be sent to his Ex^cy^ the Gov^r^ and his Matys hon^ble^ Councill.

By the house of Delegates March the 30^th^ 1698.

As to his Ex^cy's^ Com̄and (in his Maty^s^ name) to this house to make a direct answer to the 7^th^ 8^th^ 9^th^ & 14^th^ Articles of charge exhibited ag^t^ his Ex^cy^ the Governour by Gerard Slye.

The house do say that notwithstanding such com̄and they hold themselves free whether they will make answer thereto or not. This house humbly conceiving the difference between your Ex^cy^ and M^r^ Gerard Sly doth not affect them and that the law is open.

Signed ꝑ order.
W Bladen Cłk: house Deł:

The answer of the house to the proposall for an Ordinance to pass ag^t^ those that persuade and entice the Inhabitants out of this province this Board conceive is not according to the proposall for that it was not intended to barr or hinder any persons that were minded to depart the province as the house seems to infer, but ag^t^ such as persuade and intice the people out of the Country by sinister and specious pretences as is well known not onely to some of his Maty^s^ hon^ble^ Councill, but also to severall of the members of the house of Delegates hath been practiced and done which thing is reckoned to be one of the greatest grievances now in this province and highly necessary to be discouraged by some such means.

Put to the Question if any such ordinance shall be made or not? and carried in the negative nemine Contradicente. Original Journal.

The house app^{r}hending such ordinance may be a snare to people for speaking any words relating to any other province.

As to the resolve of the house about grievances.

If the House do not think think themselves obliged that the grievances of the Country should be comunicated hither this Board do not think fitt to take notice of them in the way now sent to be reckoned as grievances.

Answer: } This house do conceive that if his Ex^{cy} will not p. 200 redress our grievances in the way represented that he denyes us Right and will not redress them att all.

As to the Short answer made Concerning the Indian affaire this Board do take it to be an essentiall part in all parliamentary proceedings to either assent or dissent to every individuall Article Reported by any Comittee without which his Ex^{cy} Cannot proceed any further in that Matter, therefore does in his Matys name Command the house to give a direct answer to every particular answer reported in the said Comittee yett unanswered for want whereof if any mischiefe should happen to ensue or murder or other violence be comitted by the Piscattoway Indians (which God forbid) the same will be layd to the charge of your house.

Signed ꝑ order
Hen. Denton Clk: Councill

Whereto Resolved the following Message be sent.

By the house of Delegates March the 30th 1698.

This house have ꝑused the Severall proceedings as well of the Comittee appointed to consider of Indian affaires as alsoe theire owne proceedings votes, resolves and Messages thereon, and do not find but they have made full and sufficient answers thereto therefore do not hold themselves in duty obliged to make any further answers, and desire they may be not any more pressed therein, and that his Ex^{cy} would be pleased to putt a speedy end to this present sessions.

Signed ꝑ order.
W Bladen Ck: house of Del:

A Bill for apportioning the publique Leavy, read the first time & passed.

A Bill for reviveing the Temporary Laws of this province read the 1st and 2nd times and passed.

Put to the Question if the Act ag^{t} exportation of Wool and old Iron shall be revived or not? and carried in the negative.

Original Journal. A Proclamation for a Genll Thanksgiveing read and approved of.

A Proclamation to Restreyne the Extravagancy and presumption of diverse popish priests and recusants, read and approved off.

House adjurned for 2 hours.

Post Merediem. House mett. Major Thomas Ennalls appears in the house as a Delegate for Dorsett County,

Upon proposall from his Matys honble Councill, Capt Hill, Major Hammond, Mr Harris and Mr Taylard appointed to joyne with two of his Matys honble Councill to examine and view the Records of the Severall offices.

A Bill for Rectifying the ill practices of Attorneys, read the 2nd time & passed.

The Reviveing Bill the 2 last messages and the Resolves p. 201 of the house upon his Excys proposalls, sent to his Excy and his Matys honble Councill by Mr Hutchison, Mr Campbell, Mr Ben: Hall, Mr Iames Saunders, Majr Walter Smith, and Mr Edward Lloyd, they are also ordered to present Major Ennalls to have him sworne.

House adjourned till to Morrow Morning 7 of the clock to Mr Speakers Chamber.

Thursday March the 31st 1698.

The house mett and called over. Then was read what was done yesterday

Moved by a Member if Mr John Perry shall be continued the ensueing yeare as poste. And Resolved that he be so continued upon the same foot as the first appointed.

Then came the honble Sr Thomas Laurence Barrt Thomas Tench Esq. and Iames Frisby Esq. and bring downe the Reviving bill with the remarques thereon which is ordered to be amended accordingly.

They also bring down the Bill for rectifying the ill practices of attorneys which is ordered to be engrossed, likewise they bring the following Messages and proposalls, Vizt

By his Excy the Govr and Councill in Assembly,
March the 30th 1698.

In reply to the answer of the house this day received in the matter concerning the 4 articles conteined in Capt Slyes papers you were required to make answer to.

This Board dos say that it can in no wise be apprehended that those articles should affect his Excy but the whole Assembly and Governt the which if true will prove of dangerous consequences. Original Journal.

Therefore his Excy is pleased to declare that he has power to comand any person in this Government in matters relating to his Matys imediate service and good of the Country as this is, and if nothing be done in Compliance thereto the house must expect that all the ill consequences and damages which may ensue for want of such answer will be Justly layd to your charge.

Signed ꝑ order.
Hen: Denton, Clk: Councill.

Whereto Resolved the following Message be sent.

By the house of Delegates March the 31st 1698.

This house have considered of the Message relating to the four articles conteined in Mr Slyes paper and do not think fitt to alter theire former vote therein.

Signed ꝑ order.
W. Bladen Clk: hos: Del:

Seeing the house are not willing that an ordinance should not pass against such persons as entice the people out of the province, this Board do acquitt themselves of all manner of inconvenience, and damage that shall happen to the Country thereby and must necessarily declare the reason thereof to proceed from the houses dissent in passing such an Ordinance. p. 202

Signed ꝑ order
Hen: Denton Clk: Councill.

By his Excy the Govr and Councill in Assembly
March the 30th 1698.

It is proposed that the house should give some answer whether they think it necessary to send to his Excy the Govr of New York about the Indians and that if you are of the opinion the susquehannah Indians do not live within the Limitts of this Governt His Excy will have nothing to do with them.

As to the Susquehannah Indians we have formerly given our opinion according to the best Informacōn we can gett, that they are not within the Limitts of this Governt And as to sending to the Gover of New York the house see no necessity thereof.

Original Journal. Upon reading the proposall and George Hutchisons Letter to his Ex^cy the Governour. The house do say that if the 10 ꝑ cent was paid for the Serv^ts It ought to be refunded but as to the goods they were lyable to and ought to pay the said dutys.

The Hon^ble M^r Speaker being publick Treasurer of the Easterne Shoar made oath to his acc^t before the hon^ble S^r Thomas Laurence Barronett, Thomas Tench and Iames Frisby Esq^re and in presence of this house.

This days Resolves the two last Messages, and a Bill for apportioning the publick Leavy sent to his Ex^cy and his Matys hon^ble Councill ꝑ M^r Ben: Hall, M^r Lloyd, Mg^r Lowe, Maj^r Ennalls, M^r Hutchison and M^r Campbell, who returne and say they have delivered theire Message.

House adjourned for 2 hours.

Post Merediem. house mett. The following Bills read & assented to.

1^st A Bill for secureing the parochiall Libraryes of this province, and that the care and charge thereof be comitted to some worthy and learned person.

2^nd A Bill Impowering the Com^rs of the County Courts to leavy and raise money to defray the necessary charges of theire Countyes.

3^rd A Bill for restreining the Extortions of Sherriffes and Depu^ty Comissaryes.

4^th A Bill for recontinuing the late discontinued process and proceedings of Cecill County Court.

5^th A Bill for the better division of S^t Paules and Shewsbury parishes.

6^th A Bill for stay of Executions after the 10^th day of Aprill yearly.

7^th A Bill for ascertaining the Bounds and Limitts of Ann Arundell and Baltemore Countyes.

8^th A Bill supplementary for ordinary Keepers, and Regulating the number thereof.

9^th A Bill for the Naturalization of Peter Dowdee a Frenchman.

p. 203 10^th A Bill enabling Elizabeth Norman Executrix of George Norman to make over two tracts of Land to Iohn Gadesby and his heires forever.

11^th A Bill Impowering the Com^rs of Cecill County Court to hold a Court this present year in Aprill.

12^th A Bill for decideing differences between Masters and servants.

13^th A Bill for rectifying the ill practices of the Attorneys of this province and for ascertaining the Attorney Gen^ll and clk: of the Indictment ffees.

14. A Reviveing Bill. Original Journal.

Then came down the hon^ble^ Thomas Tench and Iames Frisby Esq. and bring down the following Messages and proposalls viz^t^

By his Ex^cy^ the Gov^r^ and Councill in Assembly
March 31^st^ 1698.

The Message of the house of yesterdays date wherein it is intimated you made full and sufficient answers in relation to the Indian Affaire.

This Board do say that they have inspected and again ꝑussed the Severall Messages, answers and Resolves sent to and rec^d^ from the house Concerning the Same as also the Reporte of the Comittee and diverse other papers respecting that matter, whereby they not onely find you have omitted the answering two of the most material points reported by the said Comittee Viz^t^:

Whether the proceedings of his Ex^cy^ and his Matys hon^ble^ Councill with a comittee appointed in October last ab^t^ the Indians are approved of or not. And whether the answer of his Ex^cy^ S^r^ Edmond Andros his Matys Lieu^t^ and Gov^r^ gen^ll^ of Virginia &c. and his Matys hon^ble^ Councill there herewith returned you concerning the same is well or ill) but also do observe that tho: the house hold the Piscattaway Indians to be a weak inconsiderable enemy, yett the Justices and the Grand Jury of prince Georges County and the Frontier Inhabitans upon Potomack do not reckon them so, as by the papers herewith sent may appear) however it is considered if they should comitte any murder or acts of hostility in this his Matys province (which God forbid) his Ex^cy^ dos think that some of you that are of that opinion will be the properest persons to accompany him when please God he goes against the piscattaway Indians. But he wishes he had the same Religion to dismiss the Rangers upon potomack as he has those in Baltemore County, and doth not in the least question that if the Piscattoway Indians were resident in this Government he should by the same divine and humane assistance reduce them to the same condesending peaceable and quiett condition of the Indians on the Easterne Shoar.

And he thinks when his comands are in his Matys name and not contrary to Law all persons within his Matys province ought to pay due obedience thereunto. And as for your desire of putting a speedy end to this Sessions of Assembly p. 204 you might have answered the purpose of the writt for which you were called and what other matters have been proposed

Original Journal. to you by his Ex^cy the Gov^r and his Matys hon^ble Councill ten days agoe.
Signed ꝑ order
Hen: Denton Cłk: Councill.

Whereto the following message be sent.

By the house of Delegates March the 31^st 1698.

In answer to the message this day sent about the Indians this house have already voted and resolved they will not recede from their former votes or take the said matter into any further consideration therefore humbly pray we may no longer deteined upon that acc^t Signed ꝑ order
W. Bladen Cłk: house of Del:

By his Ex^cy the Governor and Councill in Assembly
March 31^st 1698.

There is not a direct answer given to that Quere ab^t the Susquehanna Indians, reminding the house of an answer of the last assembly whereby some gentlemen were appointed to go and treat with those Indians but remaining still undone his Ex^cy is pleased to say that if this Assembly dos not think fitt to confirme that order he will proceed no further in it.

It is proposed that the house would advise what way the arms (now comeing in) shall be disposed of.

The house desire that when the Arms Come in they may be disposed of as his Ex^cy and his Matys hon^ble Councill shall think fitt and the necessity of the Countys require.

March the 31^st 1698.

His Matys Secry of this province doth represent to the hon^ble the Speaker and the house of Delegates that in the assembly held att Annapolis 7^br 1696. among other matters reported by him to the house of Delegates in the memoriall then layd before them Conteineing an acc^t of all business he had solicited for the Country during his Stay in England Anno 1695. There is an article relating to Iohn Povey Esq^re declareing that he would give in no particular of fees due to the plantacōn office for presenting severall addresses and for other business Transacted by the honble William Blathwayte Esq. and himselfe before the King in Councill and the Right hon^ble the Lords of the Comittee of Trade and plantations for the service of this province, but left the matter wholly to the consideration of the Assembly who did nothing in it.

The house do think they have sufficiently Gratifyed M^r^ Povey to discharge those fees if any due. Original Journal.

Tho: Laurence

The Bill assented to by the house this afternoon Votes &c: Resolves, and the last message sent to his Ex^cy^ and his Matys hon^ble^ Councill by M^r^ Harris M^r^ Lloyd, M^r^ Tilghman, M^r^ Carvile, M^r^ Leech, Col: Hanson, M^r^ Campbell and M^r^ Elisha Hall. p. 205

The Gentlemen appointed to view the Records reporte they have examined and find the same in the offices according to the lists taken.

The house adjourned till 7 of the Clock to Morrow morning att M^r^ Speakers chamber.

Friday the 1^st^ of Aprill 1698.

House mett and called over, absent M^r^ Taylard, M^r^ Hemsley, M^r^ Bozman and M^r^ Hicks. Then read over what was done yesterday.

Upon reading the Iournall of the Comittee of acc^ts^ put to the Question if M^r^ Sewell shall be allowed anything or not, and carryed in the negative.

Put to the Question if any thing shall be allowed M^r^ Cony and carried in the affirmative nemine Contradicente.

Moved by a member that whereas there is 347^l^ 3^s^ 6^d^ allready in Bank besides what is in M^r^ Masons hands unaccounted for, that if his Ex^cy^ and the honorable Councill will agree with this house the same or three parts thereof may be applied towards defraying the charge of this present assembly, and that the Gentlemen appointed to apportion the publicque Leavy who may be Impowered to dispose of the same for that use and no other.

And that the publick Treasurers may produce theire accompts of what Tob^o^ is in theire hands by the mulct upon offices to the Gen^t^ appointed to apportion the publick leavy who may be Impowered to dispose of the same towards the defraying the charge of this present Sessions of Assembly and to no other use.

Whereupon Resolved the following Message be sent.

By the house of Delegates Aprill the 1^st^ 1698.

This house humbly desire that whereas there is 347^l^ 3^s^ 6^d^ allready in Bank besides what is in M^r^ Masons hands unaccounted for, the Gen^t^ appointed to apportion the publick leavy this year may be Impowered to dispose of the same, or

Original Journal. att least three parts thereof for defraying the charge of the present sessions of Assembly and no other use, and that the publicke Treasurers may be obliged to produce theire acc^{ts} to the said Comittee of what they receive this sessions by the Mulct upon offices which we also desire the said comittee may have power to apply and dispose of to the use af^{d} and no other

Signed ꝑ order
W Bladen Clk: hos: Del:

Henry Phipps Chr^{n} of the Comittee of Laws is referred to the comittee for apportioning the publick levy for a further allowance of eight hundred pounds of Tobacco.

The Comittees having brought in their severall Journalls.

p. 206 Each Chairman is ordered to keep a fair Iournall of theire Comittee.

Then came down the hon^{ble} Thomas Tench and Iames Frisby esquire and bring the following Message to wit:

By his Ex^{cy} the Governour and Councill in Assembly
Aprill the 1st 1698

In answer to the Message this day sent by Major Ennalls and others, Viz^{t}

That the Gentlemen appointed to apportion the publick Levy might be Impowered to dispose of 347^{l} 3^{s} 6^{d} found to be in Bank besides what is in M^{r} Masons hands unaccounted for as also what Tobacco shall be Collected by the Treasurers this Sessions by the Mult upon offices.

As to the first his Ex^{cy} dos say that he cannot consent to it you having refused to answer the Questions of the Right hon^{ble} the Lords Com^{rs} for Trade and Foreigne plantations in not appointing an agent and in not agreeing to employ some Skillfull able Lawyer in England to putt the Laws into better method and Language as also refuseing to make any allowance for fees for business done to the country according to the representation of the honble S^{r} Tho: Laurence Barr^{t}

As for the Latter he is willing that 10000^{lb} of Tobb: which shall be in the hands of the Treasurer on the Western Shoar and 10000^{l} of Tobb^{o} which shall be in the hands of the Treasurer on the Easterne Shoar be disposed of as requested 20000^{l} more Tob^{o} then appears in the Comittee of accompts Iournall.

Signed ꝑ order
Hen: Denton Ck: Councill

Assented to by the house of Delegates. W Bladen Clk:

By his Excy the Govr and Councill in Assembly March the 31st 1698. Original Journal.

Upon perusall of the Reviveing Bill it is remarqued the same is made to continue in full force: for 3 years or untill the next Sessions of Assembly which is contrary to the proposall being directed to remaine untill the end of the next Genl Assembly.

Therefore his Excy requires the Originall Bills to be sent up to Examine the rest by.

That the address to his Maty: is neither writt hādsomely nor on good paper, have herewith sent two sheets of guilt paper to write an originall and duplicate upon, But it is proposed that some further clause for the Right Settling of the Government upon this Rumour of the Lord Baltemore's likelyhood of being restored may be added.

Signed ꝑ order
Hen Den Ck: Councill.

Whereunto Resolved the following Message be sent.

By the house of Delegates Aprill the 1st 1698.

Tho'. it once happened by mistake, yet it never was the Intent of the house to revive any Temporary Bill for longer time then three years or the end of the next Sessions of Assembly however we have sent the original bill as required:

As for the address it shall be fairly Transcribed but the p. 207 Rumor of my Ld Baltemore having his Government here again, gains no Credit with us and we think it a ꝑsumption to prscribe any thing to his Maty: in that Matter.

Signed ꝑ order.
W Bladen Cłk: house of Del:

Sent by Major Ennalls, Mr Hawkins, Mr Collins, Dr Lockerman, Mr Campbell and Mr Wright with the originall Bills.
house adjourned for 2 houres.

Post Merediem. the House mett. Major Ennalls and the other Gent returne and say they have delivered theire Message.

Referred to the Comittee for apportioning the publick leavy to make an Ordinance for the clarkes Assistant of 800l Tobo

The house considering there is some mistake in Mr Masons acct

Resolved that upon adjusting the same no advantage shall be taken by reason of Mistake in any numericall figures.

Original Journal. Whereas there were Severall sums of money allowed to diverse persons workmen, Labourers and others by the Comittee for apportioning the publick Levy in October 1697. Voted and Resolved that what is still due and unpaid be paid by the Severall persons as by the Iournall still due and unpaid be paid by the Severall persons as by the Iournall of the said Comittee is directed.

Also Resolved that the severall sum̄s of money allowed to the Severall persons this present sessions upon the Iournall of the Comittee of acc^{ts} be paid the said severall persons by M^{r} Robert Mason publick Treasurer of the Western Shoar except what is allowed M^{r} W. Taylard which is to be paid him by the publick Treasurer of the Eastern Shoar.

The said Resolves Sent to his Ex^{cy} and his Mat^{ys} hon^{ble} Councill by M^{r} Campbell and M^{r} Lane.

Who returne and say they delivered theire Message.

Then came the hon^{ble} Tho: Tench and Iames Frisby Esq^{r} and bring the Bills Yesterday sent up and the Iournall of the comittee of Acc^{ts} and the following Messages, Remarques, Recomendations and proposalls.

By his Ex^{cy} the Gov^{r} and Councill in Assembly
April the 1st 1698.

Upon again ꝑusing the levy Law this Board have considered to appoint the hon^{ble} S^{r} Thomas Laurence Barr^{t} Secry Col: Henry Iowles Tho: Tench Esq: Col: Iohn Addison Col: Io. Courts and Tho: Brook Esq. Members of his Matys hon^{ble} Councill to be added to the Comittee for apportioning the publick leavy and that they be first nominated in the Act and it is proposed that the time for the meeting to apportion the same may be when the provinciall Court sitt in the fall: and provided 20000^{l} Tob^{o} more is now thought fitt to be leavyed the Justices charge of this & the next Provinciall Court be thus defrayed.

Signed ꝑ order. Hen: Denton Ck Councill.

By his Ex^{cy} the Gov^{r} and Councill in Assembly
April the 1st 1698.

p. 208 In answer to the house this day sent concerning the Bill of Revivall his Ex^{cy} for your Satisfaction hath herewith sent a copy of two of his Matys Royall Instructions by which he takes himselfe to be tyed up from passing the Bill. Yet dos believe It necessary that a Bill be drawn to revive the Temporary Laws passed last Sessions of Assembly which otherwise will now expire.

Your are desired to send up what things you are minded to pass into an Ordinance of Assembly. Original Journal.

Signed ꝑ order.
Hen: Denton Clk Councill.

Our Express will and pleasure is that all Laws whatsoever for the good Government and supporte of our said province be made indefinite and without limitation of time except the same for a Temporary end and which shall expire and have its full effect within a certaine time.

And therefore you shall not enact any Law which shall be once enacted by you except upon very urgent occasions but in no case more then once without our especiall leave or comand therein.

The above is a true Copy of his Matys: Royall Instructions
ffr: Nicholson.

And you are particularly not to pass any Law or do any grant, Settlement or otherwise, whereby our revenue may be expended or Impaired without our Especiall leave or Comand therein.

The above is a true Copy of one of his Matys Royal Instructions. ffr: Nicholson.

The Comittee of Acc^ts Journall being ꝑused it is remarked that the Delegates Living on the Esastern Shoar have allowance made them for Boats and hands, but his Matys: Chancellor under the same circumstances have no such allowance neither are theire Itenerant charges Considered equall to the Delegates.

Quere. why Mainhurst's acc^t is Struck out.

Quere. why M^r Sewells was not allowed as well as the other ministers.

His Ex^cy dos not understand that any of the members Boys should be admitted to officiate as clks:

His Ex^cy wants to know upon what acc^t M^r Ben: Hall and M^r W^m Taylard are allowed for theire protested Bills.

Henry Denton Clk. of the Councill is not allowed his Sallary as being clk: to his Matys: hon^ble Councill in Assembly which is found to be allowed to the clk: of your house notwithstanding (by former order and agreement) they stand both upon the same foot, and is thought reasonable he should be allowed his clk: assistants expences as the other.

The said Henry Denton Craves likewise allowance for being clk: to the comittee in October last as well as M^r Bladen p. 209 and M^r Gregory who appear to be allowed on that score notwithstanding the said Denton did all or most of the business

Original Journal. neither is he considered for being clk: to the comittee about Indians affaires this assembly.
Signed ꝑ order.
Hen: Denton Ck: Councill.

Mem^{dum} of things unanswered viz^{t} Maj^{r} Whittingtons acc^{t} of the bounds betwixt this province and Pensilvania.

The Lrē from the navy office.

Cap^{t} Dents Lrē: about the Coole Spring.

A Certificate from the ordinance office.

Proposall ab^{t} the forme of Oath ꝑ^{r}scribed, to be taken by the Severall officers for the Grand Juryes.

The acc^{ts} of the Revenues are not yet returned.

No answer is made about M^{r} Parkers non payment of those imployed in bringing up the records.

Lrē: to the Lord Bp: of London, the L^{ds} Comissioners for Trade and Doctor Bray not yett writt.

The aforegoing Matters, Remarks and proposalls were thus answered Viz^{t}

By the house of Delegates Aprill the 1st 1698.

In this Infant Country we hold it best not to enact perpetuall Laws, because we have not had sufficient Experience whether they may be or not to our advantage beside if this Country improve it will be necessary to lett some of them expire if your Ex^{cy} do not think fitt to pass the Reviving Bill as proposed this house Cannot consent to the alteration thereof.
Signed ꝑ order.
W Bladen Clk: house of Del:

His Matys hon^{ble} Councill Itener^{t} charges have allways been allowed them and if they are not now, it is an omission.

As for Mainhurst's acc^{t} being Struck out of the Iournall of the Comittee of accompts. It was because the informer against the Sloop seized, expected a Benefitt thereby who sett him on work and ought to pay him

M^{r} Sewell was not allowed because hė did not give that Satisfaction to the house as expected from him.

As to the imploying one of the members clarks.

He who was so imployed is a native of the Country bred a clk: and was capable of that employ.

And it is a discouragement to this house to promote the free schools if the natives as they become qualified be not ꝑmitted to officiate as clks:

As concerning M^{r} Denton not being allowed it was an omission and the said M^{r} Denton shall be allowed as to his Clk: Assistant.

We comãnded our clk: to Imploy one upon some especiall Services, and therefore we allowed him.

Original Journal. p. 210

As for his allowance for being clark to the meeting abt the Indians in October 1697. It was the sence of the house he ought to do it as clark of the Councill.

Mr Denton is allowed 400l of Tobo for being clk: to 2 Comittees this sessions.

As to the proposall abt the Leavy Law. This house do concurr with the first part of the proposall but as to the second part if it be meant that 20000l of Tobbo shall be leavyed for defraying the Justices charge of this and the next provinciall Court. This House agree thereto.

As to Major Whittingtons Lrẽ: abt the Bounds of Pensilvania. This house will not take the same into consideration till we receive an answer from England of our address abt it.

The Lrẽ: from the Navy office is not before us.

The Certificate from the Ordinance office is not before us.

As to the forms of oaths and a charge to the Grand Jury, we referr the Same to the next Sessions of Assembly.

As to Mr Parker the house will take care about it.

As to Doctor Bray's Lrẽ: it being writt to his Excy the Govr we desire his Excy will answer.

Resolved also the following Message be sent to his Excy

By the house of Delegates Aprill 1st 1698.

May it please your Excy

Our severall comittees being adjourned to the house, and nothing remaining before us, we humbly hope for and earnestly beg your Excy Comãnd to attend in order to put an End to this Session.
Signed ꝑ order.
W Bladen Ck: house Del:

The aforegoing resolves and last Message sent to his Excy and his Matys. honble: Councill by Majr Hammond, Capt Hill, Mr Harris, Mr Ben Hall, Mr Young, Mr Cavile, Mr Lloyd, Mr Hutchison, Mr Collins and Mr Ashman, who returne and say they have delivered their Message.

By the house of Delegates Aprill the 1st 1698.

In answer to the Message of the honble Board this house do say that it never was usuall to have any of the honble Councill appointed for apportioning the Leavy before the last Assembly yett the house agree that two of them be added as was last sessions.
Signed by order
W. Bladen Clk: house of Del:

Original Journal. The foregoing Message, the Resolve of the house as to Registring Com̄issions the Leavy Law and the Iournall of the Comittee of Acct sent to his Excy and to his Matys: honble Councill by the Gentlemen of the Com̄ittee of Accts

The House adjourned till 7 a Clock to morrow Morning to Mr Speakers chamber.

Saturday April the 2nd 1698.

p. 211 The house mett, and called over. Absent Mr Taylard, Mr Hemsley and Mr Bozmane. Then read over what was done yesterday.

The honble Thomas Tench and Iames Frisby Esqrs bring down the following Message Vizt

By his Excy the Govr and Councill Aprill the 2nd 1698.

It is remarqued upon the Resolves sent by Mr Ben: Hall and others this day as follows vizt. Seeing that the house will not consent to alter, the Act of Revivall, his Excy cannot pass it.

As to the Answer abt Mr Sewell his Excy and his Matys honble Councill do think themselves good Judges of his Sermon as the members of the house of Delegates and do say he ought to be allowed

The Gross reflections upon his Maty's honble Councill ꝑrtended to be razed out from among the Resolves are very ill resented for which you ought to make publick Satisfaction.

As to the answer of the house abt Imploying Members Clerks, a propper answer will be given thereto to another Message.

This Board do think that the clerk of the Council ought to be allowed for his clk: assistant (who has likewise been imployed) on Extraordinary Service if not more) equall to the clk: of your house: as also that he ought to be allowed for being clk: to the Indian Comittee in October as well as the other clk: his Excy being resolved to assent to no allowances but what are equall and Just, his allowance is but for one comittee this assembly.

It is remarqued that the Letter from the Navy office and certificate from the Ordinance office are before you and are now sent againe.

About Mr Parker his Excy wants to know what the house dos abt it. neither do you Signify what sorte of Answer you would make him.

As for Mr Cooksey's Bill to Capt Iames Bowling for 28l Sterl: drawn March the 10th 1691/2 on Mr Peter Pagon and

Original Journal.

endorsed to M^{r} Sam^{ll} Groom or order: tho being protested It cannot be allowed before M^{r} Cooksey's acc^{ts} and the Committee and other papers are Inspected and passed.

Therefore is referred till the next sessions of Assembly as the drawing forms of oaths to be taken by the officers and charge for the Grand Jurys is referred.

It is proposed that the Gen^{t} of his Matys: hon^{ble} Councill be also paid out of the 20000^{l} Tob^{o} Surplus Tobb^{o} to be leavyed as well as as the provinciall Iustices.

His Ex^{cy} has rec^{d} back M^{r} Platers and M^{r} Muschamps acc^{ts} expecting you would have made some remarques upon them which you have not done.

In answer to the Message about some of his Matys hon^{ble} Councill to be joyned to the Comittee appointed for apportioning the publick leavy his Ex^{cy} dos say that what has been done in my Lord Baltemores time will not be admitted as p. 212 ꝑ^{r}sidentiall but his Matys hon^{ble} Councill dos say that in Gov^{r} Copleys time some of their members were allways Ioyned not onely in apportioning the Leavy, but also with the Comittee of accounts; and do think themselves to have as much Right to be concerned therein as the members of the house of Delegates.

Therefore it is expected that all the Gen^{t} proposed be Incerted and first nominated in the Leavy Law otherwise it will not be passed.

As to your earnest Expecting his Ex^{cys} Com̃ands to attend this Board in order to put an end to this sessions, his Ex^{cy} does say that if you had taken the methods proposed to you att first your hopes and Expectations might have been answered long ago and Saved the Country a great many Thousand pounds of Tobacca.

The Acc^{ts} of Gov^{r} Copley's time are not returned with your remarks thereupon.

Whereupon Debated and Resolved the following answers be sent to his Ex^{cy} and his Matys: hon^{ble} Councill.

By the house of Delegates Aprill the 2nd 1698.

As to M^{r} Sewell, seeing we are to disburse the Countrys money we are the proper Iudges of what is fitting to be allowed.

As to his Matys: hon^{ble} Councill what we first designed was true, yet we are so tender of theire Hon^{rs} that we should not suffer it to appear upon our Iournal.

As to M^{r} Denton, that which your Ex^{cy} and Councill call a Comittee, this house thŏ they acquiest with it do not approve of that it should be called by that name being the people

Original Journal. sum̄oned had no authority from the Country and therefore durst not freely debate the matter with your Ex^{cy}

Wherefore the house desire to be Excused from making any further allowance to M^{r} Denton upon that Score. When we Settled the Cl: of the Councill in Assembly's Sallary of 12000^{l} of Tobb^{o} ꝑ annum he did then promise that the Country should be att no further charge for any writing in relation to his said office.

His allowance of 400^{l} Tob^{o} was Intended for boath the Comittees, however worded in the Iournall of the Comittee of Acc^{ts}

This house cannot returne an answer to the Lrē: from the Navy office, unless we see Esq. Randolph's Lrē: and as it was directed to him he ought to returne an answer to it.

We have sent Major Ennalls and M^{r} Hoskins for D^{r} Brays Lre:

As to the protested Bill of Ex: allowed M^{r} Ben: Hall it dos not consist with the hon^{r} of this house to delay the payment of so Just a Debt and of what we are so well Justifyed. Therefore humbly pray your Ex^{cy} and Councill will consent to the payment thereof, as fast as the Surpluss Tobacco will Extend the house agree his Matys hon^{ble} Councill may be equally allowed.

p. 213 As to the proposall about the Leavy Law.

We do say that we make use of no ꝑ^{r}sidents in the Lord Baltemores time that in the Assembly held in 1692 in his Ex^{cy} Gov^{r} Copleys time two of the honble Councill were added to the Comittee of Acc^{ts} but not admitted being denyed theire votes and thereupon did not sitt with the said Comittee.

As for the apportioning the publick leavy assessed that assembly they did not Sitt nor were they appointed by the Law therefore, nor ever since till the last Assembly.

The said Gentlemen not being elected or being the representatives of the Country have no right to dispose of the public assessm^{t} and if his Ex^{cy} and his Matys hon^{ble} Councill will not assent to the Laws as proposed, we cannot consent to any alteration.

As to all things that were proposed we Instantly answered them according to the sence of this house thô: ꝑhaps not to your Ex^{cys} Satisfaction yet know not why should we be denyed here on purpose to constraine us to comply with your Ex^{cy} in those things which are agreeable to the sense of this house nor for the advantage of the Country.

As to the Acc^{ts} in Gov^{r} Copley's time.

We do not think it worth our time to look so farr back upon the said acc^{ts} not knowing to have Satisfaction for anything amiss therein.

Signed ꝑ order
W Bladen Cłk: house Delegates

The above Resolves and answers together with a Lrē to M^{r} William Parker sent to his Ex^{cy} and his Matys hon^{ble} Councill, by M^{r} Campbell, M^{r} Waughop, M^{r} Young, M^{r} Moreland, M^{r} White and M^{r} Lane. Original Journal.

House adjourned for 2 hours.

Post Merediem, house met, Committees Reporte about 3^{d} ꝑ hh^{d} read and approved of the said reporte and Letter sent to his Ex^{cy} and his Matys honble Councill by Cap^{t} Hoskins and M^{r} Ferry, who returne and say they have delivered the Same.

Message from his Matys honble Councill by the hon^{ble} Thomas Tench and Iames Frisby Esquire. That his Ex^{cy} Comands M^{r} Speaker and the whole house to attend him Imediately att the Stadt house.

House adjourned for 1 houre to the Stadt house to waite upon his Ex^{cy}

The House mett att the Stadt house. And take into Consideration his Ex^{cys} Speeches and proposalls.

By his Ex^{cy} the Gov^{r} and Councill in Assembly
March 31st 1698.

The Reply of the house to the answer sent you from this Board upon your address concerning his Matys: Lawyers opinion in the case of M^{r} Iames Crauford suspention & being againe read and taken into consideration, this board dos think that the said address has been sufficiently answered, and rather too mildly, when you have ꝑsumed to question his p. 214
Matys: Royall prerogative, and his Ex^{cy} would have you read and Consider well the case of my Lord chiefe Iustice Heath who was not admitted to plead att the Barr without the Kings Speciall leave as you may see in my Lord Cooks reporte Añō 10 Caroli Regis in Banco Regis. fol: 375 And his Ex^{cy} would know by what Law or charter any of the Attorneys of this province do plead in his Matys Courts within this Government without the Kings Speciall leave or Licence.

And you often mention your Rights and Libertyes the ꝑticulars whereof he would like to know too and dos advise you to read and consider those enumerated as the R^{t} honble the Lords and Cōmons of England, Also primo Gulili 3^{tii} & Marie Contained in the Act of Parliament now lying before you.

His Ex^{cy} hath formerly and now tells you againe he knows of no Custom in this Country that can am^{o} to Cōmon Law, which if you know of any you are required to show it

He dos not believe that such an address was assented to by all the Delegates which if not then it proves not right, but

Original Journal. should have been expressed with so many yeas and so many noes or by Majority of voices according to the Custom of Parliament.

As for your Serj^{t} att Arms his Ex^{cy} knows of no such officer, but takes it to be a high ꝑsumption the assuming such title, and as for the leaving your vote upon your Iournall It will (among others your proceedings of this sessions remaine as a monument of your despotick Inclination some of which are your asserting an Ordinance to be in force for publick and County ferrymen to keep ordinary Licence free.

His Exc^{y} disowning any such ordinance which was sufficiently argued and explained last sessions.

Your Resolves upon M^{r} Lynes pet^{t} of the 25th Instant by which you seem to Intimate and determine a point in Law contrary to an act of assembly.

Your Sitting where you do contrary to an act of Assembly and your making allowance and your Leavying upon the people 2500^{l} of Tobb^{o} for another house to sitt in Contrary likewise to the said Act, your sending Message to the ck: of the Councill for papers without his Ex^{cys} on his Matys: honbłe Councills knowledge or leave your sending a Sum̄ons to the hon^{ble} S^{r} Thomas Laurence Barr^{t} his Matys: Secry of this province by pattent under the great Seale of England and one of his Matys honbłe Councill.

Your Imploying and allowing M^{r} George Iackson as cłk: to the Comittee of Acc^{t} the sum̄e of 2800^{l} toba^{o} Contrary to Law.

It is remarked there are Severall uncertaintyes and incoherencyes in your votes. This Board have ꝑused all the addresses, Resolves and papers about grievances and do p. 215 signify the practice of Virginia in that case is for the Inhabitants of that Country to sett up what they think Grieveous under theire hands att theire Court house doors which the Burgesses, carry up and deliver to his Ex^{cy} the Gov^{r} and Councill in order to be comunicated to the house of Burgesses so unless you can produce either under your Electors hands or of your own knowledge what are represented as Grievances they will not be taken for such, but the effects of an ill disposed Malicious temper of such as may be reckoned seditious and disaffected to this his Matys Gov^{r} and Interest of the Country:

As to what you represent as grievances that Severall of the Justices and Vestrymen of the Severall countyes have been arrested &: his Ex^{cy} wants to know theire names so that if any of them have been dealt with contrary to Law, care shall be taken that they have right and Justice done them.

But it is hoped you don't imagine that a Justice of peace or a vestryman is not lyable to the law as you would seem to Insinuate. Original Journal.

You may remember his Ex^cy^ told you att the beginning of the sessions that he had and would endeavour to supporte the Creditt and reputation of all those who were in Imploy under his Matys here with all the power he had, provided they behaved themselves well, and if there be any thing wanting that is reasonable in answring your address concerning them his Ex^cy^ will be willing to pass any law or ordinance to that effect, but he is afraid that the reasons why some of the Justices and Vestrymen have not that hon^r^ obedience and respect shewn to them but slighted and contemned by the vulgar is theire own actions and behavioure and he is affraid they suffer themselves to be abused and affronted in open Court without punishing the offenders, that they suffer curseing and Swearing drunkenness and quarrelling too oft in court times. And how some of the Justices have allowed themselves and others Tob^o^ out of the publick contrary to Law Viz^t^ St Mary's, Calvert, Prince Georges, Dorchester and Sommersett Countyes as by Coppyes of the said County Leavyes herewith sent may appear.

It is very Supriseing to his Ex^cy^ Your representing his sitting in view of the Provinciall Court strikes an awfull fear upon Attorneys Jurors and Suitors, but sure it cannot be upon those that are honest, but is in hopes it dos upon the Knaves.

Some of the Kings of England have sett in theire Courts att Westminster Hall, and when they have vouchsafed the courts the honour they have come to hear causes as Spectators, and he dos not understand what you mean by being restreined from that Liberty and freedom heretofore used.

And he hopes in God you can neither Jointly nor Severally accuse him of doing injustice either in Courts or out of them since he hath had the honour to Govern this Country under his Maty: but if you can, he wils you Legally to prove it.

As for your address concerning the five Laws your resolve is since all the Acts for Imposition will not be repealed the house are willing they should expire of themselves, so that his Ex^cy^ supposes it to be in vaine if it should be offered fore or three of them to be taken off, but your being persuaded that in strictness of Law a prorogation is the end of an Assembly, seems to be a very odd, dangerous and unp^r^sidentiall opinion And if he should comply with your request that the said Imposition might no more be demanded revived or enacted, he should be guilty of dispensing with the said five Laws and as for what money or Tob^o^ have been raised by virtue of those laws he hopes hath not been disposed off any other ways then as the said Laws direct, But if himselfe or any other hath done

Original Journal. it he hopes that you p^r^tending to be saveing patriotts will make it Legally.

As for your conceptions of March the 30th that if his Ex^cy^ will not redress your aggrievances in the way represented he denyes your Rights and will not redress you att all he thinks to be some what arbitrary and illegall, if you can accuse him of this or any other matter or thing he Expects y^u^ will do it before his most Sacred Maty: or before the Right hon^ble^ the Lords Com^rs^ for Trade and foreigne plantations, and it would be a very great crime in the least to doubt but that all rights and Justice will be done to both parties.

By his Ex^cy^ the Gov^r^ and Councill in Assembly Ap^l^ 2^d^ 1698.

It is remarqued upon the answer of the house this day brought by M^r^ Campbell and others.

1st That the Bill of Revivall not passing can in no wise be laid to the charge of his Ex^cy^ or his Matys honble Councill, considering the passing it in those words would be directly opposite to one if not both of those two Royall Instructions of his Sacred Maty laid before you. Therefore you are the cause of all those ill consequences that shall happen for want of reviveing those Laws which will expire att the end of this sessions.

2nd About M^r^ Sewell, this Board that tho you have the power of raising money yet you Cannot dispose of the same without the Joint consent of his Ex^cy^ and his Matys hon^ble^ Councill.

3rd Ab^t^ the reflections cast upon his Matys hon^ble^ Councill the answer of the house is as ill resented as yo^r^ intended resolve in that matter, Concerning the Comittee ab^t^ Indian affaires in October his Ex^cy^ dos say that he with the advise of his Matys honble Councill have power (paramount to yours) of calling together any number of men to consult of any matter or thing for his Matys or the Countryes Service which that was for, and that greater number may appoint a comittee to draw up the Severall matters and things into certeine heads which was by him done and his Ex^cy^ not with them, and who ever p. 217 reported to your house and those which he called together upon that urgent and weighty occasion (in order to putting the liege people of this his Matys province to as little charge as possible durst not debate the matter with him and dos not prove it upon oath.

He looks upon it to be a false scandulous and Seditious Reporte upon this his Matys Governm^t^

When the clarke of this Board agreed with the last assembly and not this It was upon the Same foot with the clk: of the house, and if further allowance is thought fitt to be made to him the same reason subsists for the other. Original Journal.

As to what answer you give in relation to Mr Ben: Halls protested Bill this Board dos say that if it doth not consist with the honour of your house the said matter should be referred It dos not consist with the justice of his Excy and his Matys honble Councill to allow of it untill they are better Satisfyed. And they suppose that the delaying the paymt of the said Bill is not in the least to be ballanced with the damage and accidents which may happen to his Maty and his Loveing Subjects of this province, in not haveing the Oaths (which of the same nature upon compareing are found most of them differing one from an nother and Grand Jury charge regulated according to proposall for want of which his Matys and the Lord Baltemores power seem to be mixt and confounded together and was represented and complained of by the Grand Jury att the last provinciall Court Copy whereof was laid before you as also the Book.

About payment of his Matys Councills out of the Overpluss Tobacco it is not assented to unless they be proportionably allowed out of the overpluss Tobacco.

As to the Leavy there being 40000l of Tob: overplus more then what is particularly allotted by the Iournall of the Accts his Excy cannot suffer it to be disposed of without the number of Councellors proposed be incerted in the Bill or otherwise the method of Virginia may be taken in that case which is by apportioning the leavy in Assembly time.

His Excy dos say that he supposes (with advise of his Matys honble Councill) has the same Liberty of returning answers to what coms from the house as you have.

And as to what you intimate of being determined here on purpose to Constreyne you to comply with his Excy in those things which are not agreeable to the Sence of your house nor for the advantage of the country he denyes them, and can give them no Milder a terme and Expects you should prove them before his most sacred Maty or the Right honble the Lords Comrs for Trade and foreigne plantations but he thanks god he is not conscious of having done any thing this assembly Contrary to the writt by which you now sitt and has Endeavoured all Lawfull and equitable ways and Means to accomplish them. Sigd ꝑ ord Hen Denton Cl: Councill.

Whereupon remarked by the house as followeth vizt p. 218

As to the word Serjt att Arms it was a mere Mistake and ought to have been a Messenger in the nature of a Serjt att arms.

Original Journal.

As to the houses adjourning to the Speakers Chamber, we had your Excys consent thereto as appears upon our Journall the 16th March 1697/8.

As to our sending a verball Message to the clk: of the Councill for papers without his Matys honble Councill's knowledge or leave, we acknowledge the same an Error, but not any wise done out of ꝑrsumption.

As also the like Errors in sending for the Right honble Sr Thos Laurence Secry.

We have appointed Mr Philip Clarke and Mr Wm Taylard to ꝑuse and consult Books to draw up Certeine forms of oaths, for the severall officers to take and the Grand Jury's charge agt the next sessions of Assembly.

As to the 40000l of Tobo. left upon the Comittee of accts Iournall are put in 20000l tob. att your Excy Instance and the other 20000l Tob: we designe to pay his Matys Councellors and those that apportion the publick leavy but rather then we will admitt of any novelty we are willing it should not be left upon the Iournall.

Resolved the following Message be sent to his Excy

By the house of Delegates Aprill 2d 1698.

We have maturely considered the Severall proposalls and remarkes by your Excy made to us this afternoon in the Stadt house as also our Severall proceedings and Resolves votes and Messages and do find them to be so humble modest and reasonable that we see no reason that we should recede from them but will leave them upon our Journall onely beg leave in answer to those following remarkes to acquaint your Excy that as to the word Serjt att arms it was a meer mistake and should have been a messenger in the nature of a Serjt at arms.

As to our adjourning to the Speakers chamber we had your Excy consent thereto as appears upon our Iournall of the 16th of March.

As to our sending a verball Message to the clarke of the Councill for papers without his Matys honble Councills knowledge or leave, we acknowledge the same an Error, but not any wise done out of ꝑrsumption.

As also the like error in sending for the honble Sr Thos Laurence Secry.

We have appointed Mr Philip Clark and Mr W. Taylard ꝑuse and consult Books to draw up certeine forms of oaths for the Severall officers to take and the Grand Jurors charge agt the next sessions of Assembly.

And as to the 40000l Tobacco 20000l of it was putt in att your Excys Instance and the other 20000l we designed to pay his Matys Councillors, and those that apportion the publick leavey, but rather then we will admitt of any novelty we are willing it should not be left upon that Iournall. Original Journal.

Signed by order. W Bladen Clk: house of Delegates. p. 219

The aforegoing Message sent to his Excy the Govr and his Matys. honble Councill, by Mr Harris, Mr Campbell, Mr Hutchins, Mr Benjamin Hall, Mr Lloyd, Mr Staley, Mr Moreland, Mr Young, Mr Wright, Mr Lane, Mr Elisha Hall, Mr Whittington, who are ordered to see his Excy if he has any comands to the house they are here to attend them.

The said Gentlemen returne and say they have delivered theire Message and that his Excy says the house shall know presently.

Message from his Excy and his Matys honble Councill by Thomas Tench and Iames Frisby Esqrs who say that if the house send an answer that needs no reply the sessions may be ended this night.

By his Excy the Govr and Councill in Assembly
Aprill the 2d 1698.

In reply to the answer of the house just now brought by Mr Harris and others it is remarked as follows Vizt

1st This Board dos say that there is no such thing can appear upon the Iournall of the house having his Excys consent for adjourning to the Speakers Chamber att an Ordinary onely his Excy thinks that Major Thompson and some other members came and tould him so as he was walking upon the Statehouse hill after that they were adjourned to that place.

2nd His Excy is pleased to the honble Sr Thomas Laurence Barrt Secry The Honble Col. Henry Iowles and Tho: Tench Esq. to examine into the accts and papers relating to Mr Halls protested Bill of Exch: agt the next sessions of Assembly and to reporte thereof accordingly.

It is supposed that your meaning is that the 40000l Tobo should be wholly left out, if so and your allowing Mr Sewell this Board will assent to pass the allowance made in the Iournall of the Comittee of accounts except those to Mr Iackson, Mr Killburne for the Speakers chamber and the other ordinary Keepers upon acct of the Comittee sitting which are not admitted of, and Mr Ben: Halls Bill as before.

Lastly his Excy makes these two remarkes upon the whole answer Vizt That it is not nemine Contradicente 2dly that some of you have Given up part of your infalibility as to all the rest of the materiall points in which you suppose yourselves to have been so modest mild and humble his Excy expects

Original Journal. you will assent the same before his Sacred Majty or the Right Honble the Lords Comrs for Trade and foreigne plantations where he does not doubt, (God willing) but to make you appear as little infallible as you have shewed your selves allready.

In answer to the returne of the house concerning the Quarter part of the publick Revenue. This Board do say that the acct of the quarter part of Pocomoke are a mistake of the Receiver Mr Plater being then concerned for that district who shall explaine It.

p. 220 As for the mistake you think to be in Mr Plater accts for potomack care will be taken to examine him about it.

A Lrē from your house supposed to be for my Lord Bps of London has been here read, and his Excy says that he scorns to have his reputation and honour supported and vindicated by some of you but shall rather look upon it as a scandall to have it so, for that he can prove one of your house to be a villain upon recorde if not worse, and severall others your lives and Conversations to be so well knowne both in this Country and England, that they are not agreeable to truth and Justice. Signed ꝑ order

Hen Denton Cłk: Councill.

The house adjourned till Monday Morning to the Speakers chamber att 7 of the Clock.

Munday Aprill the 4th 1698.

The house mett, and called over, absent Mr Bozmane, Then read over what was done on Saturday last. Message by Col: Henry Iowles and Thomas Tench Esqre Commanding the house to attend upon his Excy att the Councill Chamber att Sr Thomas Laurences Imediately.

One other Message by the said Col: Iowles and Esq. Tench to know why the house do not come down.

Mr Philip Clarke, Mr Crauford, Capt Hill and Mr Hutchison appointed to draw up an answer to the last message on Saturday last.

The house go up to wait upon his Excy the Govr att the Councill chamber where his Excy was pleased on his Majtys behalfe to assent to all the Bills proposed except the Reviveing Bill and for apportioning the publick Leavy.

And then prorogued the house untill the 3d day of May Ensueing.

W Bladen Cłk. Hos. Del.

Lib. L. L. 2

[ACTS]

Aprill the 3^{d} 1698 were Enacted (Viz)

An Act Ascerteining the bounds and Limitts of Ann Arundell & Baltemore Countys.

Whereas by an Ordinance of Assembly Ano Dni 1696 was appointed Cap^{t} Richard Hill Major John Hammond & Major Edward Dorsey of Ann Arundell County Gent. Also M^{r} George Ashman, M^{r} Richard Crumwell and Cap^{t} Thomas Ham̄ond of Baltemore County Gent with the Surveyor for the better Division of the said Countys of An Arundell and Baltemore It is humbly sett forth by Thomas Richardson Surveyor p. 158 and the greater part of the said Gent^{n} appointed That in obedience to the said Ordinance they have made a perfect Division of the said Countys in maner and forme following beginning att three marked Trees viz: a white Oak a red Oak and a Chesnutt Tree standing about a mile and a quarter to the Southward of Bodkin Creek on the West side of Cheasapeak Bay the marked red Oak on the right hand for Baltemore County the Chesnutt Tree on the left hand for Ann Arundell the white Oak in the middle they standing near a Marsh and a pond and running thence West untill it Cross the Road from the Mountains of the mouth of Magatty River to Rich^{d} Beards Mill, then Continueing Westward with the said Road to William Hawkins Path to two marked Trees the one for Ann Arundell County the other for Baltemore County thence Continueing along the said Road to Jo^{n} Locketts path to Two Trees for the end and purposes aforesaid then leaving the road by a Line drawn west to William Slades path to two marked Trees as afores^{d} thence Continuing West between the draught of Magaty and Potapsco Rivers untill it Come to a Mountain of White Stone Rock still Continuing West to a Road going to Potapsco to Peter Bonds to two marked Trees as af^{d} for the end and purpose as aforesaid thence Continuing West to the main Road to Potapsco fferry to two Marked Pines standing near the ready Branch written att Large on the North side of the said Trees (Baltemore County) on the South side (Ann Arundell County) from thence with a Line Drawn West to Elk Ridge Road to two Marked Trees for the end p. 159 and purposes aforesaid thence Continuing the same Course of West north West to Putuxent River and so up the said River to the Extent thereof for the Bounds of Baltemore County Be it Enacted by the Kings most Excell^{t} Māty by and with the Advice and Consent of this present Generall Assembly and

Lib. L. L. 2 the Authority of the same That from and after the publication hereof That all that Tract of Land lying on the North side of the said Division lines trees and Land Marks before Expressed with all the Inhabitants up the Bay from the said Lines Trees and Land marks be allway taken reputed and be in Baltemore County and that all the Lands and Inhabitants from the said Division Lines Trees and Landmarks on the South side of the said Lines Trees and Land marks to the Ancient Extent of Ann Arundell County be allways taken reputed and be in Ann Arundell County any Law Custom or usage to the Contrary notwithstanding

An Act for the Naturalization of Peter Dowdee a Frenchman Liveing in Somersett County.

Be it Enacted by the Kings most Excellent Māty by & with the Advice and Consent of this present Generall Assembly and the Authority of the same That Peter Dowdee Borne in the Kingdom of ffrance but now liveing in Somersett County p. 160 be reputed and taken as [a] Naturall born Subject of this Province and That from henceforth he be Enabled and adjudged to all Intents and purposes to ask Demand Challenge have hold and enjoy any Lands Tenements Rents and Hereditaments within this province to which he may in any wise be Intituled as if he were a ffree and naturall borne Subject And also he shall & may be Enabled to prosecute maintain, avow Iustify and defend all and all manner of Actions suites pleas plaints and other Demands whatsoever as liberally Frankly freely Lawfully and securely as if he had been naturall born Subject of this Province Provided allway & it is the true Intent and meaning of this Act That no Franchise Priviledge or imunity is hereby given unto the said Peter Dowdee which is any wise Contradictious or repugnant to the late Act of Parliament made in the Seaventh and Eighth Years of the reign of our Sovereigne Lord King William the third Intituled an Act for preventing frauds and Regulating Abuses in the Plantation Trade And also Provided the said Peter Dowdee do before some Magistrate of this Province within six months after the publication of this Act take the oaths appointed by Act of Parliament instead of the Oaths of Allegiance and Supremacy and subscribe the Test any Law Statute usage or Custom to the Contrary in any wise nothwithstanding.

p. 161 An Act for Recontinuing the late discontinued process and proceedings of Cecill County Court,

Whereas Severall of his Mātys Iustices of the peace for Cecill County were Chosen in the said County and sent down to serve as Delegates to the Porte of Annapolis by means Lib. L. L. 2 whereof the Court to be holden on the 2^{d} Tuesday in March Anō Dni 1697 according to Act of Assembly and their Comīssion the said Justices on the said recited day not meeting to adjourn whereby many inconveniencys and discomoditys may happen to the severall Suitors to the said Court the Severall pleas process and proceedings depending in the said Court being by that means discontinued and put without day to the great Loss & Damages to the Suitors aforesaid for remedy whereof and that the sevrall Writts, pleas, process and proceedings of the said Court may be revived resolved Continued and Be in full force and Virtue as they were before the said discontinuance hapened the Delegates of this present Generall Assembly do pray that it may be Enacted, And be it Enacted by the Kings most Excellent Māty by and with the Advice and Consent of this present Generall Assembly and the Authority of the same That all and singular the Writts pleas process and proceedings and all other matters and things which did depend upon the same or had any relation thereunto which were in the said Court depending and undiscust att any time before the said second Tuesday in March aforesaid, and by the not meeting of the said Justices were discontinued and put without Day are hereby Continued revived and restored and to all Intents and purposes whatsoever p. 162 put in as full Vigour Strength force and Virtue as if the said Discontinuance or putting without day of the Writts pleas processes and proceedings aforesaid never had been or happened and to the end the severall and respective suitors to the said County Court may have sufficient Intelligence and that the sev^{r}all persons who were bound by recognizance to Appear att the said County Court may also have notice of this Act and that they may keep their duty of makeing their severall and respective Appearances att the next County Court holden for the said County by Act of Assembly Be it further Enacted by the Authority afores^{d} by and with the Advice and Consent aforesaid That the Sherriffe of the said County do Imediatly make proclamation of this Act and the severall matters and things therein Conteined in the most publicque and Convenient places within his County.

An Act for the better Division of S^{t} Paules & Shrewsbury Parishes.

Be it enacted by the King's most Excellent Māty by and with the Advice and Consent of this present Generall Assembly That from and after the tenth day of June Anō Domini 1698 that all that Land and Inhabitants in Chester River p. 163

Lib. L. L. 2 above the Rideing over of the said Branch to the head of a Branch of a Creek issueing out of the Bay Called Churne Creek be allways taken reputed and be in Shrewsbury parish and that all the Land on the South Side of the s^{d} Churn Creek and Branch & division line down the Bay to the Extent of Cecill County be Added to S^{t} Paul's Parish in Kent County on the North side of Chester River and allways to be reputed taken and be in S^{t} Paul's Parish any Law Custom or usage to the Contrary notwithstanding. And be it further Enacted by the Authority aforesaid by and with the advice and Consent aforesaid That M^{r} Michael Miller of Kent County Gent^{n} and Cap^{t} Edward Blay of Cecill County be present with Symon Willmor Surveyor of the said County att the runing and makeing of the Division line and that they returne the Survey and a fair Demonstration of the Division line which is to be lined out by a line of marked Trees as well under the hands & Seales of the said M^{r} Michael Miller and Cap^{t} Edward Blay as the said Symon Willmore unto his Excellency the Governo^{r} by the Tenth day of June aforesaid and whereas the division of the said Parishes are thought very Convenient to both the said parishes therefore the Charges and Expences of the Division of the said parishes is to be Equally paid by the said parishes of S^{t} Pauls & Shrewsbury.

p. 164 An Act for Enabling Elizabeth Norman Executrix of George Norman to make over Two Tracts of Land to John Gadsby and his heirs for ever.

Whereas George Norman late of Baltemore County planter did in the year of our Lord 1690 Bargain and sell unto John Gadsby of Ann Arundell County planter Two Tracts of Land lying and being in Ann Arundell County on the north side of Seavern River the one Called Hopkins Fancy Conteining one hundred Acres and the other Called Normans Fancy Conteining Twenty five Acres Contiguous and adjoyning one to the other and had received the full Consideration for the said Lands being thirteen Thousand Eight hundred pounds of Tobbacco and is Sufficiently made Appear to this Generall Assembly But forasmuch as it hath pleased Allmighty God that the said George Norman is deceased and no Conveyances or Assurances thereof made to the said John Gadsby by the said George Norman as the Law directs yett by the will of the said George his honest Intent appearing That the said Two Tracts of Land should be and inure to the sole use and behoofe of the said John Gadsby his heires & Assignes for ever altho such sufficient power as the Law requires doth not seem to be given Elizabeth the widdow and Executrix of the said George for the making over and Confirming the two Lib. L. L. 2 Tracts of Land to the s^d John Gadsby his heires and Assignes forever this Present Generall Assembly as well att the prayer p. 165 of the said John Gadsby as of Elizabeth Norman the Executrix aforesaid do pray That it may be Enacted And be it Enacted by the Kings most Excellent Māty by and with the advice and Consent of this present Generall Assembly and the Authority of the same That the said Elizabeth Norman Executrix of the said George Norman be and is hereby Enabled, notwithstanding the Deficiency in the said will to make over assign Transferr and Confirm the said Two Tracts of Land Called Hopkins Fancy and Norman's Fancy and the absolute ffee therein to the said John Gadsby his heires and Assignes forever and to their sole proper use and behoofe forever.

An Act Impowering the Com̄issioners of Cecill County to hould a Court this present Year in Aprill.

Whereas an Act hath passed this present Generall Assembly for reviveing and Continuing the late discontinued process of Cecill County Court and that whereas some dispute may arise whether by the said Act the Com̄issioners may Lawfully proceed to the Tryall of any Causes till June Court which will be very prejudiciall to the suitors to the said Court and to prevent any Question or dispute that may arise upon the same.

Be it Enacted by the Kings most Excellent Māty by and with the Advice and Consent of this present Generall Assembly and the Authority of the same That his Matys Justices of Cecill County Court may and are hereby Authorized and Impowered to hould a Court in Aprill next and to proceed to p. 166 the hearing and Determining of any Cause or Causes that ought to have been heard and Determined in March Court any Law Statute or usage or Custom to the Contrary in any wise notwithstanding.

PROCEEDINGS AND ACTS

OF THE

GENERAL ASSEMBLY

OF MARYLAND,

At a Session held at Annapolis, October 20 *to*
November 12, 1698

CHARLES CALVERT, LORD BALTIMORE,

Proprietary.

FRANCIS NICHOLSON,

Governor.

THE UPPER HOUSE OF ASSEMBLY.

Maryland ss. Port of Annapolis Octor 20th 1698 Dies Jovis Original Journal. p. 1

Be it remembred that this being the day to which the Genll Assembly of this Province stands prorouged and on which they are to meett

The Honble his Majestyes Councill Sate and were Prsant His Excy ffrancis Nicholson Esqr Capt Genll and Govr in Cheife

Coll Henry Jowles Chancelor
The Honble Coll Iohn Addison
Thomas Brookes Esqr

The following Members of the house of Delegates (viz) Mr Iacob Moreland Mr Iames Saunders Mr Walter Smith Mr John Leech Mr Henry Hawkins Capt Philip Hoskins Mr Benjamin Hall Mr John Hall Mr Thomas Staley Major Wm Barton Mr Wm Hutchison Collonell Ninian Beale and Mr John Wright Prsent themselves before the board and Acquainted his Excy that for as much as that none of the Gentlemen of the Eastern shore members of theire house are yet Come to Towne and severall of the Western Shore absent they are not of sufficiant number to make an house

Whereupon his Excy the Govr wth the advice of the board Prorouged them untill the 22d Instant and told them that they were accordingly so prorouged

Die Saturnj 22° Octobris 1698

The Honble his Majtyes Councill in Assembly according to prorogation on thursday last mett

Prsant his Excy the Govr
Collonell Henry Jowles Chancellr
Thomas Tench Esqr Coll John Adisson
Coll John Courts Tho: Brookes Esqr James ffrisby Esqr

p. 2 Read the Petition of the Inhabitants of Pisscatway parish upon Potomack in Prince Georges County which is advised to be laid before the house of Delegates Together wth the Representation of his Majtyes Iustices of the Provinciall Court and of the Justices of Prince Georges County for theire Con-

Original Journal. sideration whether it may be Expedient to Continue or disband the Rangers on Potomack

Then was P^{r}sented to his Ex^{cy} the following Adress from the Members of this board (viz)

To his Ex^{cy} the Gov^{r} &

Wee have seen a Petition of the Inhabitants one the frontiers of Potomack in Prince Georges County praying the Continuance of the Guards of Rangers there settled and allso a Representation of the Justices of that County Court and other Representing these guards unnecessary and reflecting on the Charge thereof upon Debateing wee Conceive it not adviseable for the Safety of the Province to discharge all the said Rangers

But in reguard you have been pleased to Communicate to us some L^{trs} you lately receued from England whereby wee perceiue your Ex^{cy} is appoynted by his Majestye to govern in Virginia wee beleve and are of opinion that when the Indians come to understand it It will put a Check to theire undue Cariages to this Prouince and lay a restraint on their Insolencyes knowing that they will not meett wth any Countenance or soe much as Harbour in that Gouerment under your Command while they render themselves obnoxius to this

Wee are Dobtfull that the Countenace they haue Mett with there has too much Emboldened them in theire Cariage here and therefore wee pray that when yo^{r} Ex^{cy} is Established there will soe far reguard the Quiett of this place as not to Countenance or any of those or other Indians belonging to this his Majestyes Goverment that shall Depart from theire respective places allotted them without the Consent thereof and not soe p. 3 but give all free Libortye th^{t} shall be desired to Treat wth them in ord^{r} to procure a Right understanding which has been formerly denied ffor these reasons wee are of opinion that the p^{r}sant Rangers may be lessaned in Number from twelue to Eight under the Command of Cap^{t} Owar who is now there and such a Leivtenant as y^{r} Ex^{cys} shall appoynt to keep Interchangeable Rangeing by a party at a time till further Ordors

Henry Jowles | John Courtes
Thomas Tench | Thomas Brookes
John Adisson | James ffrisby

Whereupon his Ex^{cy} is pleased to assure the Gentlemen of his readiness to serve his Maj^{ty} for the good of this Province. His Ex^{cy} understanding that the house of Delegates were mett was pleased to send the Hon^{ble} Coll Henry Iowles and

Thomas Tench Esq^r^ to haue M^r^ Christopher Gregory sworne Clark of the house of Delegates Original Journal.

Whoe returne and say that they did p^r^sent M^r^ Gregory to the house to haue him sworne and that the house did aprove of and Accept him but refused to swear him unless hee tooke allsoe an Oath of secresye which they say is usuall

Message from the house of Delegates by M^r^ Simon Willmore and M^r^ Thomas Staley who say that the house desire such Oathe of Secresye may be administred to theire Clark.
Collonell Courts and Esq^r^ ffrisby sent for M^r^ Speaker and the house of Delegates to attend his Ex^cy^ the Gov^r^ in Councill

Who Came up and being admitted

His Ex^cy^ was pleased to Acquaint them that for as much as it had pleased Allmighty God of his Great Mercy to bless his Majtyes Kingdomes and Dominions w^th^ many great and signall blessings perticularly by Crowning his gloris and endeavours w^th^ an Hon^ble^ and happy peace the safe returne of his Majtye to his Kingdomes in quiett and the happy Union and signall agreement accord between his Majtye and Parliament in raiseing such supplyes as were necessary for defraying arrears and supporting the Honor and Degnity of the Crowne

And what in a more peculier and nearer manner affected this his Majestyes Province in God Allmightyes withdrawing his Afflicting hand of sickness from us and restoreing health to us and blessing us w^th^ severall beneficiall and healing springs of water called the Coole Springs which by his blessing haue wrought many Wondorfull and Signall Cures amongs Severall distempred and Impotent ꝑsons and lastly for th^t^ the late Commotions false Rumors and disturbances were abated and extinguished he had appoynted Tuesday next being the 25 Instant to be sett apart for a day of publick thanksgiveing and rejoyceing therefore to be kept and observed by the Gen^ll^ Assembly and others att the Towne and Port of Annapolis and the 22^d^ of November next Ann arundell County and all other Countyes within this Province p. 4

His Ex^cy^ is pleased to Communicate and read their L^d^sps the Right Hon^ble^ the L^ds^ of the Councill of Trade and forreigne plantations L^trs^ to him of the 21^st^ of March 1697/8 w^th^ an Inclosed Coppye of an Actt of Assembly made lately in Iamacoe for the supressing of Pyrates and sea Robbers and Recomends to the house that they would Consider to Enact such a Law within this Province

Allsoe his Ex^cy^ reads to the house theire L^dps^ L^r^ to them Concerning an Agent for this Province and the haueing a fair Transcript of the Body of Laws now in force Transcribed and Transmitted to them which he recomends to the Care and Consideration of the house

Original Journal. Lays before them theire L^{dps} L^{res} to him of the 2^{d} of Sep^{tr} 1697 and the 23 of ffeb^{ry} 1697/8

The printed news lately by his Ex^{cy} received from New Yorke Delivers severall representations to him relateing to the Coole Springs in saint Marys County and proposes that if the house doe Consent to have some small Tenem^{ts} built there in the nature of an Hospitall he will giue twenty fiue pounds sterling towards the building thereof

Recomends to the house that they would appoynt a Committee to state the Publick Revenue of the Province that the sevorall Accounts may appear fairely made and that a seperate Account be made of what belongs to the ffree schooles

p. 5 And that the said Comittee may Examine and State the Charge of the building the State house that It may be publickly knowne for Satisfaction of the Country and all others desiring to see the same.

Shews the house a Copy of M^{r} Cood and M^{r} Slys late Articles ag^{t} him in reguard that sev^{r}all of them had relation to many things done in the house the last Sessions

His Ex^{ncy} observes to the house their insisting to haue the Clarke of their house sworne to secresie tells them that he does not understand what they meane thereby but says he thinks it very unparliamentary to order the Speaker of their house to keep a Journall but says they themselves may transcribe the proceedings during the sitting of the House at their pleasure Tells them that he is willing that both the Hon^{rble} his Maj^{tys} Councill and the sev^{r}all members of the house should be sworne to secresye and this to prevent false storys being told which distract the people.

Lastly his Ex^{ncy} is pleased to tell the house that ever since he had had the hono^{r} to serve his most sacred Ma^{ty} in the Station It hath pleased him to place him in he had endeavoured nothing but for the Glory of God the service of his Ma^{ty} and the Good of this Province to which and noe other Ends he prayed Allmighty God to direct them.

Whereupon M^{r} Speaker and the Deputys take their Leave of his Ex^{ncy} and the Board and returne to the house

Then Came from the house of Delegates M^{r} Willm Hutchison and Cap^{t} Philip Hoskins and desire that M^{r} Gregory might be sworne Clark of their house. And accordingly M^{r} Gregory was sworne This Board adjourned till munday morning 8 a Clock.

Monday Octob the 24th 1698. Original Journal.

The honble his Matys Councill in Assembly Sate

Prsent

Colonel Henry Jowles Chancellor p. 6
Thomas Tench Esqr
Colonell John Addison
Colonell John Courts
Thomas Brooke Esqr
James Frisby Esqr

His Excy is pleased to tell the Gentn of the Councill tht in as much as Cood, Slye and Clarke haue in their Articles objected agt him that the papists had a Chappell at St Marys which they make use of He will therefore lay this Matys Royall Instruction following before the house that they may give their Opinion thereon

The petition of Mrs Elizabeth Bourne Widdowe clayming for a protested Bill of Exche. her husband paid for this Province being read is referrd to the Considration of the house of Delegates

This Board adjournd untill Tuesday
morning at 8 of the Clock.

Tuesday Octob the 25th 1698

The honble his Matys Councill Sate in Assembly

Prsent

The Honble Colonel Henry Jowles
Colonel Charles Hutchins
Thomas Tench Esqr
Colonel John Addison
Colonel John Courts
Thomas Brooke Esqr
James Frisby Esqr

Read the petition of Mr Samll Watkins late Navll Officer of puttuxent setting forth his Inability to come up to this port according to order of his Excy the Govr and Councill in order to make Oath to his Severall Accts of the Navall Office afd p. 7
before this prsent sessions of Assembly and praying that some person might be appointed to take his oath thereto

Ordered that he make Oath to his sd Accrs before the honble Kenelm Cheseldyn Esqr Chief Justice of St Marys County Court who is hereby Ordered to take and Certifye the same

Original Journal. That it be remarqued to the House of Delegates that Mr Sheffield imported aboue forty or ffifty negroes this year into puttuxent and that the sd Watkins gives CreddItt for 32 only

The Board adjournd untill Wedensday
Morning att 8 of the Clock

Port of Annapolis Octob. 26th 1698

The honble His Majtys Councill in Assembly Sate and were present as yesterday.

Message from the house by Lieut Colonel Hick and Mr Benjamin Hall, Vizt

By the house of Delegates Octob: 26th 1698.

Mr Samll Chew appearing before this house informs them that Capt Thomas Ely when Entred his negroes reported but for three hundred ninety six negroes And finding afterwards that he had more on boarde of which he had made no Entry (the whole being 423 negroes) for the Whole of which he was ready to pay the Impost And desiring that noe advantage might be taken agt him for want of a post Entry, And that this House would be pleased to ordr him to whome he should pay the said Impost

It is resolved upon by this house that he pay the same to the Navll Officer for the Distrust of the port of Annapolis & that noe advantage should be taken thereon for want of such Post Entry, if his Excy and the Honble Councill shall approve of the Same

p. 8 Signd ꝑ Ordr
Chr Gregory Cl house Del

Whereupon was Endorsed and sent back to the house by said Mr Hicks and Mr Hall thus Vizt

By his Matys honble Councill in Assembly
Octob 26th 1698

The Within Opinion of the House is approved of and ordered that Capt Elys Bond to Mr Watkins be cancelled upon paymt of the mony

Signd ꝑ Ordr
W Bladen Cl Council

Then came the following Message by Capt Moreland Colonel Thompson Mr Cambell and severall other members Vizt

To His Ex^{cy} Francis Nicholson Esq^{r} Cap^{t} Gen^{ll} and his Maj^{tys} Hon^{ble} Councill Original Journal.
The Humble address of the House of Delegates

May It please yo^{r} Ex^{cy}

It being Evident to this House that M^{r} Philip Clarke one of the members of this House is now deteyned in prison, and it falling under Consid^{r}acōn to inquire for what Crime the said Philip Clarke was soe detayned and whether under such Convictions as debarrd him from the seruice of this House, In order whereunto Inquire was made of the Sherriff by what and for what Crime the said Philip was by him detained His answer was that he was deteyned by virtue of a Capias ad Satisfaciendum ffor six thousand pounds of tob due to the King but could produce noe such precept, and haueing examaned former p^{r}sidents in the like Case doe find that noe member ought to be restreyned from the service of the House but for treason ffellonye or denying surety for the peace Therefore doe humbly Conceive his being present here is our undoubted Right and Priviledge and for this Reason doe humbly pray your Ex^{cy}that the said Philip Clark may be permitted to come p. 9 and Sitt in this House as being esteemed an Usefull member thereof

Signed ꝑ Ord^{r}
C Gregory Cłk house Delg^{ts}

His Ex^{cy} is pleased to say that he Cannot but wonder at the Extravagant humour of the House of Delegates Who run headlong upon Heats and private piques not at all reguarding or intending the busieness for which they are mett, And is pleased to take Notice that although M^{r} Speaker had not the manners to wayte upon his Ex^{cy} as it was his Duty yet he could wayte upon Clarke a person Convicted upon the Oath of a Grand and petit Jury for for raising great Disturbance within the Province.

Therefore he will send for M^{r} Speaker and the House, and again acquaint them for what the s^{d} Clarke stands Cōvicted and now imprisoned And will declare any such persons as shall attempt to open the Kings prison Rebells to his most Sacred Maj^{ty} The Hon$_{ble}$ Colonel John Addison and Thomas Brooke Esq$_{r}$ sent to acquaint the house that his Ex^{cy} Comands them and the Speak: to attend him imediately in Councill

Colonel Addison and M^{r} Brooke Returne and say that the house are up

The said Gent^{n} are sent to M^{r} Speaker to tell him that his Ex^{cy} wonders he adjourned the house and rose after they had sent

Original Journal. their message and did not sitt some tyme for to receive his Answer thereto.

Ordered that the hon^{ble} Colonel Henry Jowles and James Frisby Esq^{r} returne M^{r} Nobbs and M^{r} Jones the Thanks of this Board for their Sermons on Sunday last particularly M^{r} Nobbs for his yesterday being the Thanksgiueing Day.

p. 10 Colonel Addison and Esq^{r} Brooke returne and say they have delived their Mesessage and that M^{r} Speaker returned for Answer that he would gett the members to sitt in order to wayte upon his Ex^{cy} the Gov^{r}

M^{r} Speaker and the house of Delegates Come up to attend his Ex^{cy} in Councill

Where the Act of Assembly one which M^{r} Philip Clarke stands Convicted is read to them.

And his Ex^{cy} is pleased to tell the house that he is sorry to heare the Speaker should go to the Goale all alone and there conferr wth M^{r} Clarke three whole hours, tho the last Session when his Ex^{cy} sent for him he Could not come under a long tyme and without Six Members.

Orders Sev^{r}all Depositions to be read

conteyning the said Clarks Scurrilous Reflections upon the House Viz^{t} that he could talk more sence then the whole House and that he warranted that he would manage them all and Whereupon his Ex^{cy} is pleased to aske if It be not perspicuous to the whole World how Usefull a member he is of their House Viz^{t} to redicule and abuse them? And whether It may not be propper to have his Tryall printed with the af^{d} Depositions and the Vote of the House at the End of them

That he had Conceived better of the House Viz^{t} that according to usage of parliam^{t} they would have considered to have returned Thanks to M^{r} Nobbs and M^{r} Jones for their good Sermons and not have acted contrary to the good Doctrine preached unto them yesterday

Lastly his Ex^{cy} tells them that Whoever should attempt to take Clarke out of prison after an illegall Way he would declare them seditious and rebellious to his Maj^{ty}

And then told them if they would consider to attend the Service of God their King and Country he wth his Maj^{tys} hon^{ble} Councill would readily joyne with them therein.

p. 11 This Board adjourned untill to morrow morning at eight of the Clock.

Thursday Octob: the 27th 1698.

The hon^{ble} his Maj^{tys} Councill in Assembly Sate and were p^{r}sent as yesterday.

His Ex^{cy} is pleased to lay before the Boarde th^{t} he perceives

Original Journal.

the House of Delegates persist in their heats and Broyls and will not reguard the busieness for which they are mett although Sufficient matter layd before them to debate and Act for the Advantage of their Country

Therefore he will send for them and prorogue them untill to morrow being the 28th Inst to the End they may have the better Oppertunity to Consider and desist from their said heats and Broyls.

Colonel Iowles and Colonel Courts sent to Com̄and Mr Speaker and the House to attend his Excy imediately in Councill.

Mr Speaker and the House come up and being admitted.

His Excy tells them that they cannot but rememb^r what he told them yesterday and what busieness he had then recom̄ended to them, That he expected they would have made him some Returne, yet they had Sate all day yesterday and this morning without taking any Notice of the Great Concerne for which they are now mett.

Wherefore he prorogued them untill the 28th Instant at which tyme he hoped they would meet with better hearts and Designes and Intend his Majtys and the Countrys Service, of the neglect of which in him he Challenged them all and the whole Country to accuse him in any respect

Where upon Mr Speaker and the members of the House departed

Advissd that if the House of Delegates will not intend the Busieness for which they are called together that then the Assembly be prorogued and Care taken to pay the Rangers p. 12
the Gentm of the Councill and of the Provinciall Court, and others who have been truly loyall to his Maty and so have well demeaned themselves out of what tob: is lodged in Somersett and Talbott County's, and mony in Bancke due to the Country

W Bladen Cl: Concil:

Fryday Octob: the 28th 1698

This Day according to prorogation yesterday his Matys honble Councill mett and Sate in Assembly being present as yesterday

Inasmuch as the House of Delegates are in such heats and Divisions this Boarde do advise his Excy the Govr how sencible they are that it will be to noe purpose to lay any thing of Concerne before them for the Advantage of the province.

Wherefore his Excy is pleased to say that he will only lay their Ldps the Rt honble the Lords of the Councill of Trade

Original Journal. and Plantatations Letter before them and will recom̄end the laying the Levy and the stating the Acc^{ts}

The matter about the Rangers and the Indians The Coole Springs and the papers relating to the Indians at the head of the Bay And because that the publick Levy will be pretty high this year he will propose to them that halfe the mony in banck should be applyed towards discharging thereof hoping It will be to the Gen^{ll} satisfaction of the whole Country and that the other halfe will be Sufficient to supply the Country's necessity upon any suddaine or extraordinary Accident.

The hon^{ble} Colonel Henry Jowles and Thomas Tench Esq^{r} sent to require M^{r} Speaker and the house imediately to attend his Ex^{cy} in Councill.

Who Come up and being admitted.

p. 13 His Ex^{cy} is pleased to recom̄end to them the laying the Levy and stating the Acc^{ts}

Recom̄ends to them the perusall and Consid^{r}acōn of the R^{t} hon^{ble} their L^{d}ps the Lords of the Councill of Trade and plantations Lres.

The Care of the Indians and the matter ab^{t} the Rangers And proposes that whereas publick Levye is pretty large this year and that there are but short Cropps made that halfe the mony in the publick banck should be appropriated towards the easing thereof which he hopes will be to the Gen^{ll} satisfaction of the Country.

That as for himself he never had nor required any thing from the Country but had always Endeavoured the honour and Glory of God his Ma^{tys} service and the good thereof.

M^{r} Speaker and the members take leave and depart to their house.

The following message sent by the hon^{ble} Thomas Tench and James Frisby Esq^{r} Viz^{t}

By his Ma^{tys} hon^{ble} Councill in Assembly.

Sev^{r}all papers being the Treaty of Leu^{t} Col John Thompson and others with the Indians at the head of the Bay is referred to the Consid^{r}acōn of yo^{r} House for yo^{r} Opinion whether It may not be advisable to send to his Ex^{cy} the Gov^{r} of New York to accquaint him that sev^{r}all Indians are seated upon Susquahanāh and potomeck to that Inquiry be made whether they doe not belong to the five nations or to any the Indians under his Governm^{t} which if they be this Governm^{t} will not harbour Entertaine or protect them.

A Copy of his Most sacred Ma^{tys} Royall Instructions to his Ex^{cy} the Gov^{r} concerning liberty of Conscience is herewith sent you for your opinion whether the Roman Catholicks within this province have not forfeited such his Matys favour heare. Original Journal.

Wee have resolved that the honble Thos Tench and James Frisby Esqrs should be Joyned to a Com̄ittee of such members of yor house as you shall thinke fitt to appoint to inspect the publick Accounts since his Excys Accession to this Governmt p. 14 which are by him recom̄ended to be examined and stated And that Instructions be given to that Com̄ittee That they have recourse to the following Remarques Vizt upon Mr Samll Watkins Acct that by Com̄on Reporte Mr Sheffield imported about 50 negroes tho Mr Watkins gives the Country Crdt only for 32.

That the Com̄itte inquere whether Major Whittington paid the Ballance of his Treasurers Accot to the Country.

To inquire into the Sevrall Accts the Sherriffs have given the publick Treasurers of the Imposition tob: on offices.

That the Accts of Furrs to the Free Schools be extracted and made up aparte from the Country Revenue.

And that the Charge of Building the Court house may be drawne out fair that it may appear for the Satisfaction of the province.

That the sd Com̄ittee take a particular Acct of what Servts and Negroes have been imported this year and from whence the Servts came, his Excy being required by the Lords of the Councill of Trade and plantations to send them such Acct

Herewth is sent you the pet. of the Rangrs on potomeck late under the Com̄and of Capt Richd Brightwell which is refferred to the Consideracōn of yor house for their Reliefe.

Also the pet. of the Rangers in Baltimore County which is referr'd to yor Considracōn.

Signd ꝑ Ordr
W Bladen Cl: Concil.

It being represented this day in Councill that Mr George Tubman Minister of Charles County by a pretended Lycense to him granted lately got himself marryed to a young Woman in Charles County

His Excy is pleased to say tht he thinks it highly necessary p. 15 to recom̄end to the house of Delegates to settle the power of granting Lycenses in the Revrend Dr Thomas Bray the Rt Reverend the Ld Bishop of Londons Com̄issary in this Province And that a Law be drawne up ascertayning the forme of a Lycense, that the power be Com̄itted only to the Minister in a County or to the Chief Justice where no minister is resident Who shall not grant Lycenses to any of their County That

Original Journal. where either party are protestants they be not marryed but by a minister of the Church of England. That where ministers are appointed none be marryed by a Justice of the peace.

That a penalty be imposed one such who marry or are marryed contrary to the Intent of this Law.

That this be a Supplicatory Bill and that the house make some declaration Whether or no by the Clause (in the Act for the Establishm^t^ of the protestant Religion) for registring Births Marriages and Burials Quakers be not obliged to Reg^r^ their Births Marriages and Burialls w^th^ the Cłks of the Vestry.

Ordered that his Ma^tys^ Attorny Gen^ll^ draw a Draught of the said Law for ꝑusall of this Boarde

His Ex^cy^ is pleased to propose to the Board that Whereas the House of Delegates do sitt at the Vast Charge of the Country and will not proceed to doe any Busieness for the Advantage thereof they should give their Advice what are the best methods to be used—and desires their answer to morrow or on munday morning.

This Board adjourne themselves untill to morrow morning at 8 of the Clock

Saturday Octob the 29th 1698

The Hon^ble^ his Ma^tys^ Councill Sate in Assembly p^r^sent as yesterday

p^r^sent alsoe the hon^ble^ Robert Smith Esq^r^ Chiefe Justice of the Proviciall Court

p 16 Came the following Message from the house of Delegates by Maj^or^ John Low and four other Members Viz^t^

By the house of Delegates &
To his Ex^cy^ the Gov^r^ and his Ma^tys^ hon^ble^ Councill

May it please yo^r^ Ex^cy^

Before our last prorogation Wee made S^r^ humble Addresses to yo^r^ Ex^cy^ and hon^bll^ Councill to enlarge M^r^ Philip Clarke being a member of this house to Serve in the Assembly Whereupon yo^r^ Ex^cy^ was pleased to prorogue this house. And being again mett and still finding the said M^r^ Clarke in prison Yo^r^ Ex^cy^ We hope will hold us excused if Wee doe judge it our Duty to our Country Still to insist on our priviledges and againe humbly to Supplicate yo^r^ Ex^cy^ to Suffer the said M^r^ Clarke to Serve in this house.

The house of Delegates in this province haue all wayes claymed as their Birthright the Same priviledges as the house Co̅mons clayme in England neither his present Ma^ty^ nor any of his Royall progemiters nor the Lord Baltemore during his Governmᵗ ever denyed vs them and therefore if in this Case the House Com̃ons might clayme their priviledge Wee also hope for the same from yoʳ Exᶜʸ he standing in our Opinion as a rightly qualified Member of this House.

We once more make our humble Addresses that if yoʳ Exᶜʸ and Councill shall determine and adjudge that a Member of the house Com̃ons in England in like Case ought not to have priviledge of parliamᵗ and by Consequence the said Philip Clark ought not to have priviledge Wee will for the present acquess in such Judgemᵗ (Saving to oʳ Selves at all tymes liberty to produce Authoritys and pʳsidents and to Enjoy priviledges according to all Authoritys and pʳsidents).

But if yoʳ Exᶜʸ and Councill shall adjudge and determine that a member of the house of Com̃ons in like Case ought to have priviledge, then by Consequence lett our member have his priviledge And that noe man receive any markes of yoʳ Exᶜʸˢ Displeasure nor Reproach for petitoning for his Attendance here. p. 17

Signd ꝑ Ordʳ
C Gregory Ck house of Del.

Whereas in the houses Message It is said, that upon their Addresses to his Exᶜʸ and Councill to enlarge Mʳ Philip Clarke being One of their Members to Serve in the Assembly His Exᶜʸ was pleased to prorogue them His Exᶜʸ says that they were not prorogued ꝑticularly upon that Accᵗ but because he understood they had run themselves into heats and Animositys from which they could not easily disengage themselves in order to go upon the Countrys Busieness.

By his Exᶜʸ the Govʳ and Councill &
Saturday Octob the 29ᵗʰ 1698.

The Message from yoʳ house by Majoʳ Low and four other Members was here rec'd and read and finding how familiarly you have four tymes mencõned the Rᵗ honᵇˡᵉ the house of Com̃ons in his Maᵗʸˢ Kingdom of England desiring the Opinion of his Exᶜʸ and this Board upon your question in the sᵈ Message put. This Board Considʳing of what weight and Consequence It is to adjudge of the Rights and priviledges of the Rᵗ honᵇˡᵉ the house of Com̃ons in his Maᵗʸˢ Kingdome of England will not imediately give their opinion thereon without mature and deliberate Considʳacõn but do againe recom̃end to you his Majᵗʸˢ and the Country's Busieness given you in Charge yesterday and more of the like nature sent you, since you cañot be Ignorant of the Vast Charge you have put the Country to

Sign'd ꝑ Ordʳ
W Bladen Cl Concil.

Original Journal. Ordered that the aforegoing Message be Sent to the house by the hon^{bll} Rob^{t} Smith Esq^{r} his Ma^{tys} Chief Justice of the provinciall Court and M^{r} Wiłłm Dent his Ma^{tys} Attorny Gen^{ll}

Whoe returne and say they have delivered the Message

Joseph Thomsons pet. read and referr'd to the house of Delegates.

p. 18 This Board adjourned untill Munday Morning at eight of the Clock.

Munday Octob: the 31st 1698.

The hon^{ble} his Ma^{tys} Councill Sate in Assembly p^{r}sent Col: Henry Iowles Colonel Charls Hutchins Colonel John addison Col: John Courts Thomas Brooke Esq^{r} and James Frisby Esq^{r}

Came the following Message from the house of Delegates by Maj^{or} Ham̄ond M^{r} Staley and M^{r} Young Viz^{t}

By the House of Delegates Octob 29th 1698.

In answer to the Message this day by the Hon^{bll} Thomas Tench and James Frisby Esq^{rs}

This house have read the Treaty made with the Indians at the head of the Bay by Colonel Thompson and others and do conceive that the Shawanore Indians came from the Southward and not any ways belonging to the Gov^{r}ment of new Yorke, and the Susquahan̄ah Indians are at their old habitation Supposed to be without the Limitts of this province, and that this House has no Assurance of any Nation of Indians seated at the head of potomeck.

2 Nothing appearing to vs of any violation of such his Ma^{tys} Royall Instruction the Same is referred to yo^{r} Ex^{cy} and Councill.

3 Ordered that Major John Ham̄ond M^{r} Thomas Staley and M^{r} Sam^{ll} Young joyne in a Com̄ittee with the hon^{bll} Thomas Tench and James Frisby Esq^{rs} to inquire into the said Acc^{ts} and make their Reports accordingly This house has Consid^{r}ed the petitions of the Rangers ag^{t} Cap^{t} John Olton and Cap^{t} Rich^{d} Brightwell but for as much as the petition^{r}s are not at present in Towne but will come in few days, It is referred untill they come to Towne that they may better informe this house their petitions being so uncertain aud Darke

Signd ꝑ ord^{r}
C: Gregory Cłk house Deleg^{ts}

p. 19 In Answer whereto the following Message was sent by Colonel Courts and Esq^{r} Brooke

By his Ex^{cy} the Gov^{r} and his Ma^{tys} Councill in Assembly Octob the 31st 1698 Original Journal.

The houses Message by Majo^{r} John Hammond M^{r} Staley and M^{r} Young was here rec'd and read And his Ex^{cy} and this Board approve of the Results of the house therein, and hereby express their Satisfaction in that the house do proceed to do his Ma^{tys} and the Countrys busieness the Sole End for which they are now called and met, and doe hope in God there will be a good and speedy Conclusion of this Sessions

Sign'd ꝑ Ord^{r}
W Bladen Cl: Concil:

The following Message Sent to the house by Colonel Henry Jowles and Thom^{s} Brooke Esq^{r} Viz^{t}

By his Ex^{cy} the Gov^{r} and Councill in Assembly Octob 31st 1698.

promised that the house give Ord^{r} to the Com̄ittee for Stating and examining the Acc^{ts} that they particularly examine and State the Acco^{ts} of the Quarter part of the 12^{d} ꝑ hsd given by his most Sacred Ma^{ty} for the supplying the Country with Arms and Amunition that it may appear what hath arisen thereon Since his Ex^{cys} Accesion to this Goverment and how it hath been disposed of And that the house would alsoe give their Opinion and advice how the Arms and powder that is sent for shall be disposed It being by his Ex^{cy} and this Board conceiv'd the safest and best way to have it distributed as formerly to the severall Countys for these Reasons

1 If they be in one Magazine they are lyable to be blowne up as the Accident at the Chancellors House at S^{t} Marys and late Instance in Virg^{a}

2 They are lyable to be seized upon by an Enemy or upon an Insurrection

3 It will put the Country to great Charge and Trouble upon any Suddain Occasion to Distribute them

Sign'd ꝑ Ord^{r}
W Bladen Cl Concil:

Whereto Came the ffollowing Answer by Maj^{or} Hicks and 4 other members Viz^{t} p. 20

By the house of Delegates Nov^{r} the first 1698

The Message by the hon^{ble} Col Jowles and Thomas Brooke Esq^{r} this house has consid^{r}ed and do Concur with yo^{r} Ex^{cys} and Councills proposalls therein

Sign'd ꝑ Ord^{r}
C Gregory Cłk house of Delegats

Original Journal. The Busieness of the Nanticoke Indians Concerning their Lands formerly referrd by this Board to the Assembly is Ord^{r}ed to be layd before the house of Delegates

The Boarde adjourne untill to Morrow morning at 8 of the Clock

Tuesday Nov^{r} the first 1698

His Ma^{tys} hon^{ble} Councill Sate in Assembly being p^{r}sent as yesterday

Ordered that the following Message and proposals be sent to the house by the hon^{ble} Colonel Jowles and Thomas Brooke Esq^{r} Viz^{t}

By his Ex^{cy} the Gov^{r} and Councill in Assembly
No^{r} 1^{rst} 1698

1 Recom̄ended to the house that they will appoint Some of their Members to joyne wth Colonel Jowles and Esq^{r} Brookes to examine and Margine the Laws transcribed according to the Directions of the R^{t} hon^{ble} the Lords of the Councill of Trade and fforraign Plantations and that Care be taken to have the Clks paid according to Agreem^{t} wth his honorable Colonel Jowles and Major Ham̄ond

2 Recom̄ended that the House will make an Act to Ascertayne the Charge to the Grand Jury of the province and the Grand Jury of the Sevrall Countys as also Certain forms of Oathes for the Severall officers to take pursuant to a former proposal Cast last Sessions of Assembly

p. 21 3 That the house will Consider how to Modellize the Act ab^{t} the Militia of this province so as to render them more serviceable upon all Occasions and to lighten the Burthen thereof upon the poorer Sort of Inhabitants.

4 The staff which the person who attends the house in the Nature of a Serj^{t} at Arms Bears, His Ex^{cy} is pleased to make a p^{r}sent of to the Country provided it be thus used Viz^{t}

To be carryed before the hon^{ble} the Chancello^{r} the Speaker of the house Delegates the Chief Justice of the provinciall Court the Com̄issary Gen^{ll} for probate of Wills and judge of the Admiralty as Occasion requires

5 Proposed that the house would discourse Colonel Ennalls and Liev^{t} Coll: Hicks ab^{t} the Comp^{lt} of the Natuok Indians and that same Ord^{r} pass that their Land be run out to put an End to that Dispute

6 His Ex^{cy} the Gov^{r} Virg^{as} Lre together with his Proclamacōn ffor the Apprehending M^{r} Cood is sent for yo^{r} ꝑusall

7 Majo^{r} Whittingtons pet. and Comp^{ll} is referrd to Consideration of the house.

8 The pet. of St Marys County referrd to the house Original
9 Mr Richd Beards pet. abt the Cellar under the Gate house Journal.
referr'd to the Considration of the house

10. Mrs Elizabeth Bourns pet. referr'd to the Considration of the house

11. An Ordr of his Ldp the Ld Baltemores Councill Ao 1689 ffor altering a patent on Record referr'd to the Considracōn of the house

12. proposed that the house give Leave to Leivt Colonel Thompson to goe home and fetch his Navll officers Accts which are now much wanted in regard that the Kings Receivers and all other Accts cannot be compleated without them which are now to be sent to the Right honble the Lords of the Councill of Trade and fforraigne plantations

13. Mr Richd Beard and Sevrall other Sherriffs Petitions referr'd to the Consideration of the house

14. Proposed that Whereas Mr John Perry the post dyed before he Entred upon this years Service for which he agreed with the house, His Excy being desirous to put the Country to p. 22
as little Charge as might be haveing yet occasion for his Matys Service to send to his Excy the Earle of Bellamont his Matys Govr of new Yorke and twice to Virginia Imployed one Mr Joseph Mann, for which services by bim ꝑformed and more of the like nature to be done It is recomended that he be allowed 25ll the halfe of what Mr Perry was to have had which is hoped will be all that is needfull for this year

Signd ꝑ ordr
W Bladen Cl: Concil.

George Muschampe Esqr and Willm Dent and Willm Bladen make Oath to their Accts as Navll officers and Receivers.

This Board adjourne untill to morrow morning at 8 of the Clock

Wednesday Nor the 2d 1698.

The Councill Sate in Assembly present as yesterday A Bill explayning what bills and Obligations were intended to be excepted in the latter part of the Act for securing Admrs and Exrs from doble paymt of Debts and lymitting the paymt of Obligat considle in this Province, read the first tyme.

Ordered that the said Bill do lye upon the Table and that this Boarde do Consider of an Additionall Clause to oblige his Ldp to deliver up such persons obligations as shall appeare to be paid.

A Bill to Enable Wm Coursey and Elizabeth his Wife or

Original Journal. the Survivo^{r} of them to sell and Acknowledge such Lands as were left by Colonel Vincent Lowe for the payment of his just Debts, Read the first tyme, Upon reading whereof recom̄ended to the house that a Law be made where any person dying with in this province dyes indebted so much that his ꝑsonall Estate will not answer the same that then his lands if he has any be made Subject to the paym^{t} thereof the good Effect of which law is dayly Experienced in our neighbouring province of pensilvania, Whereby Merch^{ts} and others are the better Encouraged to Credditt Free holders

That for the future when any person intends to petition the Assembly for the Sale of Lands

p. 23 Ordered that he State his Case and publish it in all the Countys in the province three months before the Assembly sitt from which he expects Reliefe.

The pet. of Colonel Henry Mitchel referrd to the Com̄ittee of Accompts.

Ord^{r}d that it be referred to the house to give their Opinion whether a person who hath not been in the Country three years is not debarr'd by the law for Encouragem^{t} of learning and to be Cl̄k of a parish or Clk of the Vestry, proposed that the house would make some law or proposalls for the better Correspondency and neighbourhood of this province with the Colony of Virg^{a} as Runaway Drs Serv^{ts} Negroes Felony and other Criminalls and that the law may be the Same in Virginia as here to people Entertayning and takeing up Runaway Serv^{ts} there or here.

Came Colonel John Thompson Nav^{ll} officer at the head of the Bay and mad oath to his Acco^{t} Major Thomas Smith Cap^{t} Philip Hoskins and M^{r} W^{m} Hutchison being p^{r}sent from the house.

Then Came the following Message from the house of Delegates by Colonel John Thompson M^{r} perry and others viz^{t}

By the house of Delegates No^{r} 1^{rst} 1698.

By a Comittee especially appointed by us to inspect Sev^{r}all papers and Lrēs by his Ex^{cy} delivered to this house and to make Reporte of w^{t} they shall find Conven^{t} and necessary to be Answered by this house and make Reporte thereof do make this ffollowing Reporte Viz^{t}

In a long Lrē frome the L^{ds} of the Comittee of Trade and plantation bearing Date the second day of Sep^{t} 1697 this Com̄ittee have made these Sev^{r}all Observations one the Severall paragraphs therein

1st As to the first part of which we find perticularly directed to his Excy and refers to another Lr from his Maty Dated the 27th Aprill 1697 Original Journal.

2 It has no Agitation in the Assembly or relating thereunto Concerning the Stores and Magazines which his Maty requires an Account of

This house humbly desire his Excy whome this house dos humbly Conceive has the receipts from the Severall officers of all such Arms and Amunition, that he will be pleased to answer the same p. 24

3d As to the paragraph in the said Letter which Mentions an Address from the Assembly that the Estate of Colonel Copley might make good the fourth part of the Revenue According to his Matys Orders for stores.

This House dos not think it worth while to look further after it

4 As to the Paragraph relateing to money given to publick uses an Acct whereof is also required

Ordered That the same be referred to the Com̄ittee Especially appointed to Examine the sd Accts to Answer.

5 As to that Paragraph relateing to the Quota of men &c. we understand that since his Matys Order therein mentioned the happy Peace is Concluded by which we hope we may be excused wth an Address to his Maty for that purpose Together with our Appollogyes formerly made

6 As to that paragraph in the sd Lr relating to the boundaryes of Maryland & whereas in our Address to theire Ldps the Lds of the Com̄ittee of Trade & plantations we did desire that the Rt Honble the Ld propry the Ld Baltemore might be heard therein but not finding any thing by his Ldp done Concerning the same this house humbly desires not yet further to Intermeddle therewith

7. Also tht part of sd Letter Relateing to the Laws of this province we find the new Copys are now written wch will yeild Satisfaction as required and wherein it mentions what allterations shall be made in our Law be by the Judgments or opinion of his Excy It is our Opinion that no Alteration be made without the assent of the Assembly.

8 As to the paragraphs where it relates to a list of freemen Servts &c we find tht by his Excys Care Orders are allready Given to that purpose

9. Relateing to privateers and pyrates

Ordered that such a Bill be prefered to the punishments of such offenders as may be Agreeable to the Constitution of this province

10. That paragraph relateing to ꝑsons Imployed in places of Trust Contrary to the Intent of the Act for prventing frauds & regulateing Abuses &c Wherein theire Ldps say that the

Original Journal. Sherriffs do not Answer the Orders by his Ex^{cy} to them Given What those Orders were we know not therefore Cañot give any opinion therein

11. As to that paragraph Concerning the Assemblyes Address to his Ma^{ty} for the Remission of forfeitted Bonds &c.

p. 25 We find not onely forwarded but Seconded by his Ex^{cy} on our behalfes Ordered that the Thankes of this house be returned to his Ex^{cy} for the Same.

12 As to that part relateing to large Tracts of Land This house dos desire his Ex^{cy} to aquaint his Lor^{dps} the L^{d} Baltemores Agents therewith in Order to Regulate that ill Conveniency

13. As to the Act of Gen^{ll} pardon.

This house is not Conscious to themselves that this province labour under any Guilt And therefore humbly Conceive that they have no need of such pardon

14 Paragraph relateing to Condemned Women

We are of opinion has no relation to this House.

15. That part of the Lrē Concerning M^{r} William Dents petition for Soll^{r} Gen^{ll} Office.

We humbly Conceive onely referrs to his Ex^{cy}

16. As to Addresses and Associations

We are of Opinion requires no remark

17. As to petitions addresses and letters haveing Large Margents, We Conceive it Necessary that they haue Large Margents as required.

This Com̄ittee haveing Inspected an other L^{r} from the L^{ds} Com^{rs} for Trade & dated the 21st of March 1697/8 relating to privateers &c It is answered in the 9th paragraph of the former

This Com̄ittee haveing likewise Inspected a Lrē from the L^{ds} Com^{rs} &c relating to Agents the same was put to the vote if this province shall maintain An Agent in England or not

And voted by the Majority of Voyces not to Maintaine any Agent

Likewise this Com̄ittee haveing Inspected a Lrē from M^{r} James Keech to his Ex^{cy} dated the 16th of october Last past Importing the purchase of Land att Coole Spring

Ordered that this Com̄ittee prepare a Bill to Enable some fitt ꝑsons to purchase 50 Acres of Land for the use of the Coole Springs and if the party or partyes owner or own^{rs} thereof shall refuse to sell such quantity of Land According as the Law for purchaseing Town Land directs

As to another part of the s^{d} M^{r} Keech's Lrē relateing to the Carrying away ffreemen Serv^{ts} &c out of this province

This house say That there are allready Laws in this province for p^{r}servation thereof Sign'd ꝑ Order

C Gregory Clk House of Del

Lievt Colonel Lows petition for allowance as a Justice of the provinciall Court referr'd to the house of Delegates Original Journal.

Ordered that the honble Robert Smith Esqr Major John Hamond Capt Richd Hill & Thomas Tasker Esqr make theire Clayme to the Assembly for their Attendance in Councill p. 26

This Board adjourned untill 8 of the Clock morrow morning

Thursday Novemb the third 1698

The Councill in Assembly Sate prsent as yesterday Mr Joseph Man his pet read and referr'd to the Comittee of Accots

Considred advised and Resolved that for as much as this Assembly both this and the last Session have fallen into into Great heates Animositys and differences Regarding noe Busieness but the Lord Baltemores and theire own private Differences and will not revive the Laws made for the Impositions for the support of the Governmt that they be not now Dissolved for that the said Laws will fall by such Desolution; but that it will be for Matys Service and the grate advantage of the province that they be prorogued untill the 28th day of June next to the End that it may be in theire power if they thinke fitt to doe the Country tht good service to revive those Laws the Burthen whereof is scarce felt by any person in the province but the advantage and Ease thereby is Considrable in being greate part thereof applyed towards dischargeing the Country Debts & publique Levy

Then Came the following Message from the house of Delegates

By the house of Delegates Novber the 2d 1698

In answer to the message dated Novber the 1th 1698 by the Honble Coll: Henry Jowles and Thomas Brooke Esqrs

1. This house has ordered that Capt Richd Hill and majr Thomas Ennalls be Joyned wth the prsons appointed by his Matys honble [Councill] to Examine and Margine the Laws provided that they first draw up the Bill ordered them for to prpare and that they be noe longer therein then this house shall sett this Sessions.

2. Refferred untill the next Sessions of Assembly.

3 This house dos Conceive that the Law therin made dos Sufficiently provide therefore

4. This house returns his Excy their humble Thanks p. 27

5. As to the Choptanck Indians this house thinks it necessary tht yor Excy should issue yor Warrt to the Kings Surveyor

Original Journal. of that County & such other p^r^sons as yo^r^ Ex^cy^ shall appoint to direct to run out theire Land but for the other Indians it is referred to a Comittee Especially Appointed to Consider thereof

6. Requires no answer

7. The petitioner is referred to the Comon Law for redress

8. Referred to the next Sessions of Assembly

9. Rejected by this House

10. The pet^n^ Granted and that this house will pay the debt & Cost in the Currant mony of this province

11. Voted that a Bill be p^r^pared to repeale the Act of Assembly of the province made in May 1697 Entituled an Act for ascerteining what shall be the Shffs duty in & upon returnes by them made for publick Dues and Officers ffees.

12. Layd Aside no p^r^son appearing to prosecute

13. This House Cannot spare any Member

14. This house dos Conceive that M^r^ Man has not Complyed with halfe the bussiness which M^r^ Perry was to do and that M^r^ Perry did save the Country sev^r^all penall Charges which has been allowed by this house this Session Wherefore we humbly Conceive that Twenty pounds Sterl: is a sufficiant Recompence for such his Trouble provided he go the other Journy Mentioned in the proposall which this house is willing to allow him and no more

Sign'd ꝑ order
C Gregory Clk of the house Del:

Ordered that the Nanticoke Indians land be run out by Major Thomas Ennalls Surveyo^r^ of Dorchester County in the p^r^sence of Colonel Charles Hutchins Robert Smith Esq^r^ & Major Tho^s^ Hicks

This Board adjourn'd untill to morrow morning at 8 of the Clock

His Ma^tys^ Councill in Assembly Sate p^r^sent as yesterday unless Colonel Courts

Read a Bill ascertayning how marriages and Marriage Lycenses shall be Contracted and granted with this province read the first time

p. 28 Read the petition of the Crd^rs^ of M^r^ Sam^ll^ Withers praying an Act may pass for Sale of his Lands to pay his just Debts read & referrd to the Consid^r^acōn of the house of Delegates

M^r^ John Dorsy's petition referred to the Consideracōn of the House

Joseph Walkers petition read and referrd to the house

Read the petition of M^rs^ Awdry LLewellin Ad^r^x of John LLewellin late Clk of the Councill decēd praying Allowance for one year and an halfs Sallarye due to her husband

Original Journal.

Whereupon the Gent^{n} of the Councill are pleased to recom̄end to the house that unless It appears M^{r} LLewellin was paid the Same either by his Ex^{cy} Colonel Copley or the Assembly his said Sallery be now paid his ad^{r}x

A Bill for promotion of Learning &c read & sent to the House

The message of the house of No^{r} the first 1698 being taken into Consideration

1. It is remarqued to the house that his Ma^{tys} Letter of the 27th of Aprill 1697 never Came to hand being lost in the Advice Cap^{t} Baslock Comander

2. As to the Acc^{t} of Stores the Acc^{t} is allredy sent

3. As to his late Ex^{cy} Gov^{r} Coplys Estate answering the q^{r} part of the Revenue Directions are given therein to the Attorney Gen^{ll}

6. As to the Boundaryes of the province Directions were sent but Miscarried

7. As to Transcribeing the Laws and what proper Alterations That part of the paragraph being part of his Ma^{tys} Royall Instructions is not to be Subjected to the opinion of the House which is found not to be inffallible but Erroneous and some of the Members Actions Arbitrary factious & seditious as will appear by theire Journalls. And as to the other part Concerning Laws for a Temporary End not being twice Enacted & though being materiall and what the house very well know his Ex^{cy} has often laid before them they haue omitted to answer

10. The Orders to the Sherriffs were that they should make distinct Returnes According to the Act of parliament which they did not but mixt wth other returns

11 As to forfeitted Bonds

p. 29

His Ex^{cy} is pleased to say that he dos not desire the thanks of the House for doeing his duty to his Ma^{ty} which was to send a Copy of the Address home and give his Opinion thereon And those people ag^{t} whom there are Judgem^{ts} upon such Bonds are advised not to depend upon theire being discharged thereby.

12. It being the opinion of there L^{d}ps y^{e} R^{t} hon^{ble} the L^{ds} of the Councill of Trade and forreigne plantations That such Great Tracts of Land ought not to be granted to persons unable to Cultivate them. The House will do well to make some Order therein to be served upon the L^{d} Baltemores agents to take Care therein

13. As to the houses Conception that the Country has no need of his Ma^{tys} Gracious ꝑdon

They are to the first Body or Society of people th^{t} never refused such his Ma^{tys} Grace

Original Journal. This Board adjourned untill to morrow morning at eight of the Clock.

Saterday Nov^{r} the 5th 1698.

The Councill in Assembly Sate p^{r}sent as yesterday Came M^{r} Rob^{t} Mason late publick Treasurer of the Western Shoare and made Oath to his Treasurers Acco^{t} M^{r} James Sanders and Colonel Ninion Beale being p^{r}sent from the House

The Board adjourned untill Munday morning att 8 of the Clock.

Munday Novem^{b} the 7th 1698.

The Councill in a Assembly Sate p^{r}sent as on Saterday His Ex^{cy} is pleased to Ord^{r} the Cl̄k of the Councill to go to M^{r} Thomas Smithson publick Treasurer of the Easterne Shore and to Com̄and him in his Ma^{tys} name that he Imediatly attend him in Order to make oath to his Acc^{ts} of his Treasureship.

The said M^{r} Smithson appears at the Boarde and says that he has not any Acc^{t} made up for that M^{r} John West and M^{r} Thomas Collier Navill Officers of Pacomoke and Wil̄mstad^{t} have not Accompted

p. 30 Whereupon his Ex^{cy} is pleased to Com̄and him to bring what Acc^{t} he has forthwith to make Oath to

Then M^{r} Smithson withdrew for a while. And came againe and made Oath to three Acc^{ts} one of the Nav^{ll} officers upon Imposts for mony, one of Stock to the Free Schooles, and the other of tob recd by him upon the Impositions on Offices & withdrew.

His Ex^{cy} is pleased to give to the Reverend Doctor Tho^{s} Bray Comissary of the Right Reverend Father in God Henry Lord Bishop of London (provided he comes into this province and the Act for Marriage Lycenses pass) for the good services he has done in Collecting Lyberarys &c the mony and tob: arrising on Marriage Lycenses since the 29th of June 1697, his Ex^{cy} haveing already given Doctor payne for the mayntey-nance of his Brothers Child in this province what before Accrew'd upon this Acc^{t} since his Ex^{cys} Gov^{r}nm^{t}

Then Came the following Messages from the house of Delegates by M^{r} Saunders & Colonel Beale M^{r} Miller M^{r} Harris and eight more of the houses Members Viz^{t}

To his Ex^{cy} Francis Nicholson Esq^{r} Cap^{t} Gen^{ll} Gov^{r} in Chief in and over his Ma^{tys} province of Maryland and the hon^{ble} Councill.

The humble address of the house of Delegates Original Journal.

May it please yo^{r} Ex^{cy}

Where as his Ma^{ty} out of his princely Care to know how his Subjects in these remote parts are Governed has Com̃anded a Journall as well of the house of Delegates as of his Councill be sent to the L^{ds} of the Councill of Trade and plantations

1. That yo^{r} Ex^{cy} would grant that this house may Cause a Copy to be transcribed dureing the sessions and Sealed and sent by the house to p^{r}vent all Jealousies and suspitions of haveing of Lrẽs Addresses and other publicque Acts Changed or altered through the mistake and deficiency of Cłks in Transcribeing or otherwise

2. And that whereas yo^{r} Ex^{cy} hath been often pleased to promise to maintaine our Just and Lawfull Rights & priviledges we therefore humbly Implore yo^{r} Ex^{cy} that neither Implicitely or Expressly to Menace Deterr or overawe the house or any member thereof from freely debateing matters in this house and humbly desire yo^{r} Ex^{cy} to App^{r}hend and think that we are his Ma^{tys} Dutifull and Loyall Subjects

3. That no member of the house be declared Malignant p. 31 nor Com̃anded before the Councill nor any otherwise disturbed or sumoned by his Ma^{tys} writt of Venire for theire free speaking in the House as long as they keep themselves within theire Duty to his Ma^{ty} nor that yo^{r} Ex^{cy} would trouble any member for any Sly secret and Comonly falce reportes of any thing done in the house but onely take Notice of what is reported to you from the house and no further.

4 That yo^{r} Ex^{cy} receive into your Speciall protection all such Gentlemen as for no reward Serve his Ma^{ty} in the office of Justice of peace and other offices and not Suffer them to be harrast & troubled upon obsolete Laws or otherwise unjustly and nothing materiall proved Ag^{t} them

5. And that yo^{r} Ex^{cy} would Abstaine from Calling the Clks of the Comittes upon Oath to discover all done in theire Comittees &c.

6. And whereas Juryes are allways Accompted An Especiall Bullworke to protect our libertyes and priviledges from Arbitrary Governm^{t} we therefore make our humble Addresses That no Iuro^{rs} may be unjustly vexed menaced ove^{r}awed or Deterred for and from freely giveing theire verdict according to theire Conscience and Duty nor bound in any Recognizances for the peace or unjustly ꝑsecuted for so doing but that they may have freedome and liberty freely & Clearly to give theire Verdict without any App^{r}hẽsions of fear or Danger and be saved harmless for the same unless they may Justly

Original Journal. by Law be Attainted And that all Juro^{rs} now att p^{r}sent under all recognizances and prosecuted for the Causes af^{d} may be discharged of such recognizance and that such prosecution may Cease And that this House and the whole province being Assured of yo^{r} Ex^{cys} Justice and Integrity in having these our Just aggrevances redrest may more hartily Joyne in ꝑfecting the business of this province both for the hono^{r} of his Ma^{ty} and the benifitt of all his good and liege people of the Same

Signed ꝑ Order
C Gregory Cłk house Del.

Came also another message from the house of Deligates Viz^{t}

To his Ex^{cy} Francis Nicholson Esq^{r} Cap^{t} Gen^{ll} & Govrno^{r} in Chiefe in and Over his Ma^{tys} province of Maryland and his Ma^{tys} hon^{ble} Councill

The humble address of the house of Delegates

May it please yo^{r} Ex^{cy}

Whereas this house the fourth Instant did Call M^{r} Rob^{t} p. 32 Mason Treasurer of the Westerne Shoare before them to render an Acc^{t} of his Treasurers office the s^{d} M^{r} Mason did signify to this house that yo^{r} Ex^{cy} and Councill had forbidd all the Nav^{ll} officers of the Westerne shoare to Acc^{t} with him and therefore Could give no Acc^{t} to us since the 1st of June 1697 thereupon we ꝑused the Act Entituled An Act for the Imposition of four pence ꝑ Gallon on Liquors Imported into this province and therein find it is Enacted that the s^{d} four pence shall be Collected by the Navall officers And they to render an acc^{t} thereof once a year and the Treasurer to render an acc^{t} thereof to the Assembly who should have the disposeing of the same we Likewise perused the Act Intituled an Act Imposeing a Duty of 10 ꝑ Cent on all European Comoditys Exported out of this province and that the money ariseing thereupon to be Accounted for as the four pence ꝑ Gallon We also perused the Act Intituled an Act for Laying an Imposition on negros Slaves and White servants Imported into this province which money so Ariseing by the s^{d} Acts that the Nav^{ll} offices are to Acc^{t} with the Treasurers We make our humble addresses to yo^{r} Ex^{cy} That y^{u} will not by any ways or means Enfringe or frustrate the af^{d} Acts but that yo^{r} Ex^{cy} will be so pleased to suffer and ꝑmitt the sev^{r}all & respective Nav^{ll} officers within this province to render there Aco^{ts} to the s^{d} Treasuerers According to the Directions of the af^{d} Acts and that yo^{r} Ex^{cy} will be pleased so farr Capacitate the s^{d} Rob^{t} Mason that he may to render his Acc^{t} to this house this p^{r}sent sessions according to the true Intent and meaning of the afore recited Acts and further we humbly address yo^{r} Ex^{cy} that all the Sev^{r}all sums accrewing and growing due upon the sev^{r}all afore recited Acts may be disposed of Towards the defraying the publick Charge of this province and Enlightning the burthen from of the poor of the same in the publick leavy Excepting all such sev^{r}all sums which by law are appropriated to and for the use of free schooles Original Journal.

Signed ꝑ Order
Chr: Gregory Cłk house of
Delegates

Whereupon his Ex^{cy} is pleased to Com̄and the hon^{ble} Colonel Jowles and Colonell Addison to go down to the house and Com̄and them imediately to Attend him Who Came accordingly and being admitted and first the first part of their message as to transcribing the Journall of their house being read to them his Ex^{cy} is pleased to say that he find they are Abetters of that Rogue Sly and his Accomplishes Who were Convicted upon the Oaths both of a grand and pettit Jury p. 33

And M^{r} Gregory the Clarke of the house being sworne to give an Acc^{t} of what Interlineations and Obliterations were In there Journall, In the proceedings of munday the 29th of octob were many lines obliterated being the Debates of the house concerning Major Ham̄ond and Cap^{t} Hill being Called to the Councill Which he says he was Ordered by the house to obliterate. Other obliterations viz^{t} M^{r} Speakers motion to the house to resent his Ex^{cys} words to them Also other obliterations concerning Clarkes Enlargement His Ex^{cy} says that he calls God to wittness his Intentions and wishes [they] Could do the same as in not haveing respect to their own particuler and private Ends

He tells them that he Expects they should produce those Authoritys for Clarkes Inlargement which they have bragged of

And it being observed that in the proceedings of the 29th of Octob the house have resolved th^{t} 16 members shall make a house to usher in private Designes As to their Refusall of his Ma^{tys} Act of Grace his Ex^{cys} says that ꝑhapps they are the first Body or Society of people that ever Refused their Kings mercy and th^{t} such their refusall has putt him upon a thing he never designed that is to put all the Judgem^{ts} on navigation Bonds in Execution

The house in the name of all the people of the province haveing refused his Ma^{tys} mercy and Favour

Original Journal. As to overawing the House his Ex^{cy} is pleased to tell them that it is true he did promise to protect them but that now they have attacked him in an unusuall manner, without their Speaker signing it which unless he does in the name of them all he shall looke upon it a siditious scandalous Libell

p. 34 As to their aggrevance in that some of their Memb^{rs} were called before the Councill

His Ex^{cy} Asks them if they did not desire to be despotick and aboue the Law so as not to be questioned

4th As to Justices being prosecuted and harrast upon Obsolete Laws His Ex^{cy} recom̄ends to them to follow the Genrous Example of the house of Com̄ons and not take any thing for their Sallarys, and knows noe persons that serve the King for nothing neither are the Justices content wth their 80^{ll} tob: ꝑ diem but levy more of which severall Comp^{lts} have come to him

As to that parte of theire message viz^{t} to abstaine from calling the Cłks of the Com̄ittees upon their Oaths & His Ex^{cy} bidds them follow the grate Example of the house of Com̄ons to publish their Votes, but it cannot be reasonable to thinke th^{t} in the station he is in he will suffer himself to be abused without endevoring to discover the Authors As to that parte of theire message conteining the Jurys &c He tells them they are upon a nice point and that the Jury that quitted Sly were in the opinion of all persons present at the tryall perjured, That the Grand Jury had found the Bill againe, Askes them if they pretended to vindicate such a Jury

As to M^{r} Mason being suspended from his Treasurers office, tells them there was good reason therefore for that he stood [accused] of the high Crimes and misdemenours and had endevoured to defraude the Country of fifty pounds sterl: and that he had Charged more Sallary then was due to him viz^{t} for receiving the navall officers Sallary which he never recd:

Observes to them that he had often proposed to them to appoint sum of their members to looke their Journall when made up by the Clarke Requires the Speaker to Seale up their Journall Which he refusing his Ex^{cy} is pleased to seale it up and give it the Clarke of the house of Delegates, And with all told them that if they required it they might haue it
p. 35 opened for their Recourse for this days procedings

Lastly he tould them that he thought himself obliged in honour to make them soe suddaine an Answer that it might not be thought he had occasion to study to defend what he never was guilty of. M^{r} Speaker and the members depart to the house His Ex^{cy} is pleased to aske the Gent^{n} of the Councill to give their opinion if he has said any thing more or less to the house than he ought

Original Journal.

Whereupon the Gentn say they thinke not

A Bill for the more Effectuall Surpressing cursing and swearing read the first tyme

A Bill impowering the Vestrys to levy tob: to repair their Churches and purchase Regr Books &c read the first tyme

A Bill for preventing the Sheriffs Serving Delegates and Justices to serve as Jurymen read the first tyme

A Bill for Speedy conveying publicke Lrẽs & pacquettes read the first tyme

A Bill to buy Land at the Coole Springs &c read the first tyme

Upon again reading the Message of the House relating to to Mr Mason his Excy says he does not conceive the suspending him any Infringemt of the Law for that he was disabled by Conviction &c

This Board adjourn'd till to morrow morning at 8 of the Clock

Tusday Nor the 8th the Councill in Assembly sate prsent as yesterday

The honble Thoms Brooke and James Frisby Esqrs sent to Com̄and Mr Speaker and the house to attend his Excy in Councill

Whereupon came Mr Speakr and the house to attend his Excy in Councill Where he is pleased to tell them that Mr Robt Mason was indicted and by his own Confession convicted & Stands bound by Recognizance being found to be a malignant ꝑson by severall Oaths As to their Expressions of infringing the Laws for the ten ꝑ Cent 4d ꝑ Gallon &c his Excy shews them his Matys Royall Com̄issions which he has the honor to bear shews them the statutes of England and Booke of Laws of this province & defies them all to tax him of the breach of Infringemt of any of them or of his Matys Royall Instructions

Askes them if any mony or tob. raised the Acts for Impositions on Offices Liquors and haue been otherwise disposed of or applyed then according to the Directions of the said Laws.

p. 36 If he had gone about to pockett any they might have had some Grounds but so farr from that that he Could not gett the mony pursuant to Ordinance of Assembly to this Day from Mr Smithson to pay the Workemen imployd on the publique Worke.

That he had the Experience to his sorrow what it was to find a Country without any fund whereby to supporte them and therefore According to his promise would Consent that half the Countrys Stock now in Bank should be appropriated toward the defraying the publick Charge this year.

Original Journal. That his Ma^{tys} Councill had Answered their Address on behalfe of M^{r} Clark and that it was his Duty to Vindicate the hono^{r} of the Kings Governm^{t}

That if the house would Appoint a Comittee to write Journalls that they might write as many as they pleased and send provided th^{t} [they] that write them would signe them for that he looked upon Records Especially the Records of Supream authority next to the Divine Laws to be sacred and that he hoped he had shewn his veneration Towards them sufficiently by his Care in theire Conveyance from S^{t} Marys and the p^{r}servation of them since they have been here and therefore recom̄ends to the house to make a Severe Law ag^{t} any p^{r}son that shall raze or alter a Record that he is but a sojourner Amongst us dureing his Ma^{tys} pleasure but the benifit of such an Act would devolve to our posterity.

All Rebellions were begun in all Kingdoms and States by scandalizing and makeing odious the ꝑsons in Authority where they were, Kingdoms by Callumniateing there prince and Lawfull sovereigne there Com̄on wealth by Rend^{r}ing odious the Governm^{t} and in Colonys where there are Gov^{rs} by representing them scandalous as for Instance the late Rebellion in Virg^{a} by Bacon &c

That he admires this province should Contemne and Slight the Kings gracious pardon which the Lords and Com̄ons in parliment of England have so humbly and thankfully   of.

He recom̄ends to them that they will proceed both in the Kings and Countrys business the ꝑticuler Cause for which they now mett

M^{r} Speaker and the members depart to the house

The ffollowing Message sent to the house by M^{r} Attorny Gen^{ll}

By his Ma^{tys} hon^{ble} Councill &c Nov^{r} 8th 1698

Gent^{n} Yo^{r} Message last night by M^{r} Sanders & others which you Call an address has been recom̄ended by his Ex^{cy} to our Consideration how Clearly his Ex^{cy} has aquitted his Conduct and person from those Impositions so unfairly insinuated we are fully satisfied and so we believe are all unprejudiced minds and those who are not we shall not be Carefull to Satisfy but as to your Message It is very true Gen^{t} the King has Com̄anded that Journalls as well of the house of p. 37 Delegates as Councill shall be Transmitted to his Ma^{ty} but this Com̄and is Laid by his Ma^{ty} on his Ex^{cy} the Govern^{r} who hath duly and Constantly ꝑformed the same But if his Ma^{ty} has since Laid that Charge on your Speaker or house and to aquitt his Ex^{ey} of it pray shew it that obedience may be paid

Original Journal.

to it otherwise we Can^{t} Advise his Ex^{cy} to desert the Charge or Delegate it on others. And as for your p^{r}tended Jealousies of Clarkes and others we understand not your riddles and dark sayings we would have you Speake plaine and Intelligent And if you know of any Cłk or others th^{t} have Injured you therein let us know and we will take Care to Impech them.

Your second [and third] Articles are much of one Nature wherein you desire his Ex^{cy} may not Deter or overawe the house from frely debating matters and that no member be Called before the Councill or sent for we Admire you will not speak plaine and shew when and where how and in what his Ex^{cy} hath so dealt with any member of your house otherwise you seem afraid of Invisible nothings and are not Capable of a Remedy Gen^{t} If any man Either has or dos desire fredom to debate at Random without any reguard to the dignity of his Ma^{ty} and hon^{r} of his Governm^{t} and under the name of Priviledge to arraigne prerogative you Can't Expect but that his Ex^{cy} will Deter such from those practices in order to p^{r}vent there punishment nor Can we in hono^{r} and Duty advise otherwise

In your 4th Article you desire that the Govern^{r} would receive into his Protection the Justices of Peace as those that serve his Ma^{ts} for no reward & you seem by this to Intimate that the Justices are all out lawed for all other ꝑsons are under his Ma^{tys} protection and his Ex^{cy} has never restrained that protection either to Justices or others so long as they Carried themselves in Dutifull Obedience to his Ma^{ty} and his Laws. Its true there has been severall Justices lately Questioned for levying Tobbacco on his Ma^{tys} Subjects Contrary to law some of whom appeared Innocent and were discharged and others manifestly guilty And are you in earnest aggrieved that those were questioned for their misfeazance and the Country reimbursed the tobb: so wrongfully taken from them or must none be questioned tho upon ever so strong Grounds but such as are before hand proved guilty we are sorry to find such an Arbitrary Temper as reignes in some of you and that you Can soe easily disguise and Impose it upon others.

To your 5 article desireing his Ex^{cy} to abstaine from Calling the Cłks of the Com̄ittees the Clarke of your house you mean upon Oath to Discover all done &c you may be sure through this disguise we perfectly understand what you drive att why all this trouble and Care to keep your words and Actions in the Dark will they not endure the light if in your Consultations you procede upon the rules of hono^{r} and honisty (which in your Station you ought) what matter who knows it but if under the p^{r}sent seruing your King and Country in this Eminent Station you are any of you managing base designs against

Original Journal. his Ma^tys^ Governmen^t^ and the Country why should not such be Detected and others thereby Cautioned but it is plaine you would not have your words and Actions known which is enough to Create suspition and it is much unlike those hon^ble^ Gen^t^ who you would Equalize your selues with the house of Comons who euery day make publick theire [votes] and proceedings.

Your 6 article about Juryes which you say is a Bullworke ag^t^ Arbitrary Governm^t^ and pray th^t^ no Jury may att any time be troubled menased &c for giving their verdict according to their Conscience &c nor bound to Answer &c And that those Juro^rs^ that are bound to answer may be discharged This is somthing of the same nature with your request ab^t^ Justices the substance of which is that boath may do as they please Without being Subject to Answer there Errors or Misfeazance And it is your Aggrevance that the Kings Governm^t^ dos not Suffer it, what is this but to remove the Kings Governm^t^ and place it in those hands under your Conduct and guidance, for it seems you would not have them Subject to Answer but when where & for what you direct.

p. 38 No Gent: we are sworne to serve his Ma^ty^ and to our uttmost to preserve the pece and quiett of the Province and that Cōsists as well in being a Terro^r^ to Evill doers as a praise to them that do well and that we Intend maugre all opositions or p^r^etended agrevances and with what Couler or presence you Can Demand to have those Juro^rs^ now bound to answer discharged when you do not know whether they are guilty or not and before any Tryall had of what they are Charged we Can't Imagine nor you Can't well account for we are sure

Thus Gent^n^ we have taken more paines then yo^r^ message deserved to give you an answer to it and it is only for the sake of many honest and Loyall gent^n^ belonging to yo^r^ house who are too apt to Credit others that are not so well Disposed such who it seems by this paper are aggreved.

1 That the Governo^r^ sends home the Journalls &c as he is Comanded and did not trust them with it 2 those that are Aggrived he will not suffer to abuse detract and villifye his Ma^tys^ Authorrity and Govern^rs^ when they please in theire Debates 3 That the Governo^r^ should Expose to publick any that have proved Malignant disturbers of the Peace and Quiett of this province & openly scandalous 4 That his Ex^cy^ will not suffer the Justices to Impose what taxes they please on his Ma^tys^ Subjects 5 That he will demand and have acct: from Clk of the proceedings in the house & Comittees 6 That his Ex^cy^ should suffer the Law to be put in Execution

ag^t^ Juro^rs^ suspected of perjury and false verdict But these we beleve are only pretensions It is in reality the Kings Governm^t^ that such are aggrieved att and may they either be Converted to their Obedience or long remaine so aggreived It is not to be doubted but the province may labour under Sev^r^all aggreivances such as the letting fall sev^r^all Temporary Laws by which the Country has great benefitt spending so much time and treasure as hath now been in doing very little, settling the disputes dayly ariseing between the L^d^ Baltemore and his Ma^tys^ Subjects here aboutt the Conditions of plantations &c and many other things of like nature which would better become your Care and time, So desireing you to Consider seriously what you have done and what you have and ought to do We bid you farewell Original Journal.

Hen: Jowles Chan.
Charles Hutchins
Thomas Tench
John Addison
Thomas Brooke
James Frisby

The Bills sent up last night are sent to the house by the Hon^ble^ Thomas Tench & James Frisby Esq^rs^ with sev^r^all Remarques endorsed upon them

This Board adjourned untill to morrow morning at eight of the Clock.

Wednesday Nov^r^ the 9^th^ 1698.

His Ma^tys^ hon^ble^ Councill in Assembly Sate present as yesterday.

Read the pet. of M^r^ Philip Lynes praying allowance of fifty odd thousand pounds of tob: from the publick Which pet. and clayme is recomended to the house of Delegates It being thought reasonable that he should be paid unless his acco^ts^ be Extravegant or allready paid Upon this provisoe also th^t^ that he gives a full discharge to the Country

Came Colonel John Thompson and Brought the following Bills from the house of Delegates Viz^t^ p. 39

A Bill for Ascertayning the Bounds of a certain Tract of Land to the Use of the Nanticoke Indians, A Bill for the more Effectuall surpressing Cursing & Swearing which is read the second tyme

A Bill for Regulating Marriages &c read the 2^d^ tyme

A Bill for Speedy Conveyance of Publick Lrēs &c which is read the 2^d^ tyme.

A Bill for promotion of Learning &c read the 2^d^ tyme.

Original Journal. And upon the Remarque of the house that a saveing be to the heirs of John Perry

Resolved that the house be aquainted tht upon due Considracōn thereof and of the Intent of Mr John Perry they do not approve of any such Clause which may occasion Law suites & troubles

That Mr Perry in his life tyme about twelue months since designed to leave what he had to his Excy the Govr Who advised him in reguard he had gott mony by the Country to give the house to the free Schoole to which he was Consenting

A Bill appointing how publick Officers shall come by their dues read and will pass

Thc said Bill with the others read this Day sent to the house of Delegates by Col: Addison & Thomas Brooke Esqrs

Upon the pet: of Major Willm Dent his Matys Attorny Genll praying some Considracōn may be had of his Attendance and Expences this Sessions

Where upon It is recom̄ended   house that in reguard the sd Mr Dent was Com̄anded by his Excy to attend him in Councill for his Matys Service as usuall in England for his Matys Attorny Genll to attend the Rt noble the house of Lords that an allowance be made him for such his service and Expences this Sessions

By his Matys honble Councill in Assembly Nor 9th 1698.

As to the Bill proposed to repeal the Act for the Impositions on officers. It is thought advisable that the said Bill expire of it selfe which will be shortly neither is it usuall for laws to look back and remitt what is already due. Likewise his Excy is willing there should be some tob: in Bancke as well as Mony.

The Sevrall allowances on the Journall of the Com̄ittee of Accts are assented to by his Excy the Govr and this Boarde.

Signed ꝑ order
W Bladen Cll: Concil:

p. 40 This Boarde adjourned untill to morrow morning at 8 of the Clock.

Thursday Nor the 10th 1698

His Matys honble Councill Sate in Assembly prsent as yesterday.

Came Majour John Lowe & Majr Thomas Hicks Who say they are appointed by the house to joyne with any two of his Matys honble Councill whome his Excy shall please to direct to

Consult & agree of what tymber the Roofe of the Church shall be of. Whereupon the Hon^ble Colonel Charles Hutchins and M^r Thom^s Brooke being joyned with them they go out and bring in their Reporte. That they conceive it most proper that the Roofe be of pyne. Original Journal.

The following message sent to the house by the hon^ble Thomas Tench & James Frisby Esq^rs.

By his Ex^cy the Gov^r & Councill in Assembly
Novemb the 10^th 1698.

For asmuch as the Gen^t of the Comittee have made Reporte that it is so intricate they Cañot finish the same this Sessions. His Ex^cy is willing that 800^lb sterl: including what is allready & what is to be allowed in mony should be applyed towards easing the publick Levy (though by rough Computation it is more then halfe the publick Stock) provided it be paid and received at the Rate of fower pounds per 1000^lbs of tob: And the hon^ble Colonel Henry Jowles and Thomas Tench Esq^r are appointed to Joyne with such of the Houses members as they shall think fitt to nominate to State the s^d Reveñue and see it fairly transcribed in a Booke for that purpose the neglect or Omission whereof will be a great Reflection upon the Country that Acc^ts of such moment should lye soe Confused.

Sign'd ꝑ Ord^r
W Bladen Cl Concil

Then Came the following message from the house of Delegates, Viz^t

By the house of Delegates Novemb the 10^th 1698

p. 41 Upon the Reading of a Bill for regulating mariages and granting marriage Lycense it is remarked that for as much as Doctor Bray hath been long expected in this province but is not yet arived that such settlement be reserv'd untill such time as he does arive.

Sign'd ꝑ Ord^r
C: Gregory Clk of the house of Deleg.

Where to was sent the following Answer by Esq^r Tench and Esq^r Frisby Viz^t

By his Ex^cy the Gov^r & Councill in Assembly
No^r 10^th 1698.

As to the Remarque upon the Bill for regulating Marriages and granting Marriage Lycenses It is answered that the Reverend Doctor Thomas Bray is dayly expected in the first Shipps.

Original Journal. That the Designe of the Bill is to secure yo^{r} Children and posterity's from Clandestine Marriages, and certainly none but papists or their Favourers can be against the Bill the passing whereof is thought

Sign'd ꝑ ord^{r}
W Bladen Cl: Concil

Then Came the following Message from the house of Delegates by Cap^{t} Jacob Moreland & Docter Jacob Lookerman Viz^{t}

By the house Delegates Novemb the 10th 1698

The Message by the hon^{ble} Thomas Tench and James Frisby Esq^{rs} of even date was here received And as to the £800 which your Ex^{cy} and Councill are pleased to apply towards the defraying of the publick Charge this house does Concur to be p^{d} at the price proposed

And as to appointing of some of the members of this house to Joyne with the hon^{ble} Thomas Tench Esq^{r} in ord^{r} to State the Reven̄ue

This house has appointed Major John Ham̄ond Cap^{t} Rich^{d} Hill and M^{r} Sam^{ll} Young and have given them power and Authority to call before them all such ꝑsons as they shall see Convenient to which power We pray yo^{r} Ex^{cys} Concurrance

Sign'd ꝑ Ord^{r}
C: Gregory Cl house Del.

p. 42 The which was assented to by his Ex^{cy} the Gov^{r} & This Board.

Then sent to the house Delegates the ffollowing Message viz^{t}

By his Ex^{cy} the Gov^{r} and Councill in Assembly
Novemb the 10th 1698.

Proposed that for the Support of poor Diseased and lame persons, If it shall please God that the Coole Springs do continue to make the like Cures as lately that the house would appropriate one hundred pounds of the mony that is in Bancke (besides the £800 now allotted toward the Discharge of the Levy) for the building of small Tenements at the s^{d} Coole Springs for the Entertainm^{t} of such lame diseased pesons as shall restore thither for Cure of their Lameness & Diseases

It is hoped that before the Sev^{r}all Acts for Imposicōns & are expired there will arise thereon to the Country near eight or nine hundred pounds Sterl

Wherefore in as much as that the parochiall Librarys of Bookes which are sent in & which the Reverend Doctor Thomas Bray is bringing in with him are all by Free Guiffts and sevʳall supscripsions of well disposed ꝑsons in the Kingdome of England. It would be a greate Encouragemᵗ to such ꝑsons to see this province doe some thing towards purchasing Books which may be not only benificiall to the pʳsent but future ages. It is therefore proposed that the house would appropriate one hundred pounds of what shall hereafter accrew upon the said Impositions to the purchasing such benificiall and necessary Bookes for the propagation of good learning and virtue Original Journal.

Sign'd ꝑ Ordʳ
W Bladen Cl: Concil

Then Came the following Message from the house by Col: LLoyd Mʳ Elisha Hall & 4 other Members vizᵗ

By the house of Delegates Noʳ the 10ᵗʰ 1698

This House have Considʳed the Bill Entituled an Act for the promotion of Learning and advancemᵗ of his Maᵗʸˢ Free Schoole of Maryland, And that whereas the said Perry died Intestate the Lord Baltemore as being Lᵈ of the Fees may lay a Clayme thereto. Therefore as to the whole matter about p. 43
Mʳ Perrys Lott We humᵇˡʸ pray yoʳ Exᶜʸ & Councill that it may be omitted untill address be made for his Lᵈp the Lord proprietarys Concurrence therein, But as to the remayning part of this Act the house is willing to pass it if yoʳ Exᶜʸ shall thinke fitt.

Signd ꝑ Ordʳ
C: Gregory Cl house Del.

The following Message sent to the house of Delegates vizᵗ

By his Exᶜʸ the Govʳ and Councill in Assembly
Novemb the 10ᵗʰ 1698

In answer to the houses Message and request to om̄itt the Clause in the Bill for the promoting of learning that Settles John Perry's house in Trustees for the youse of the free Schools. The house their begining with An Explaynatory Bill for a saving to the Lᵈ Baltemores dues and ending with an address to him shew more Reguard to his Lordps Interest then to the promotion of the said Free Schoole, Whereby would seem that some are affrayde their Children should be educated in a protestant Schoole. How well his Lordp may

Original Journal. have deserved such yo^r Respect is not knowne, but on the contrary he hath never by any Act whatsoever or in any Court in this province owned his Ma^tys Government neither has he when addressed by the Country about Surplussage Lands given any answer thereto but on the Contrary has given private orders to his Agents here in the Country. And Surplussage lands are taken up to the prejudice of sev^rall good people of this province.

Sign'd ꝑ Ord^r
W Bladen Cl. Conl.

Which said Message being read was assented to by his Ex^cy the Gov^r and this Boarde

The ffollowing message sent to the house, Viz^t

This Board not knowing what misunderstanding the house may have Concerning the Bills proposed for regulating Marriages and granting marriage Lycenses and for the promotion of Learning and Advancement of his Ma^tys Free Schools do propose that the house will appoint some of their members to Confer with his Ma^tys hon^ble Councill thereupon.

Sign'd ꝑ Ord^r
W Bladen Cl: Concil.

The house being desirous to know how the Gen^tr of this Board would have their allowances whether in mony or tob:

The following Message to the house, Viz^t

By the hon^ble his Ma^tys Councill in Assembly
Novemb the 11^th 1698

p. 44 Gent^n

We are willing to take both mony and tob proportionable to what is allowed in mony and tob: as far as our Sallary reach

Sign'd ꝑ Ord^r
W Bladen Cl: Concil:

Also the following message sent to the house viz^t

By his Ex^cy the Gov^r Nouemb the 11^th 1698

Whereas the house refuse to make Allowance to Rob^t Smith Esq^r Maj^r Ham̄ond Cap^t Hill & M^r Tasker

Ever since I have had the honour to govern under his most sacred Ma^ty here I have allways endeavoured to put the Country to as little Charge as possible might be. I thougt it for his Ma^tys Service as I found it to call M^r Rob^t Smith Major Ham̄ond Cap^t Hill and M^r Tasker to assist me with their

Original Journal.

advice in Councill as likewise in point of Law as they are provinciall Justices for the preservation of the peace of this his Ma^{tys} province which was most notoriously and violently broke and carryed so high that it tended to Rebellion.

I likewise ordered Major Willm Dent his Ma^{tys} Attorny Gen^{ll} to attend upon me and the Councill this sessions of Assembly; but I find that you have not allowed him any thing for such his service to his Ma^{ty} & the Country. Therefore must naturally conclude that some of you are not well affected [to his] Ma^{tys} Interest and the peace and quiet of this his province his Ma^{ty} is pleased th^{t} there should be twelve of his hon^{ble} Councill but at present there are but seaven and there is now noe Charge to the Country for a Councill Chamber

Signd ꝑ Ord^{r}
W Bladen Cl: Concil.

Came M^{r} Wittington M^{r} Moreland & sev^{r}all other members & bring in the following Bills which are read viz^{t}

A Bill ascertayning how and when Execution shall be granted for publick officers Fees

An Additionall Bill to the Act for speedy Justice for small Debts

A Bill for reformation of Jeofailes in this province Came Cap^{t} Rich^{d} Hill M^{r} Michael miller and M^{r} Willm Harris & bring the following Message from the house

By the house of Delegates No^{r} the 11th 1698

p. 45

Whereas by a Message from the hon^{ble} Colonel John Addison and Thomas Brooke Esq^{rs} the hon^{ble} Councill have desired a Conferrence with some of the members of this house in relation to some Bills proposed by the hon^{ble} Councill viz^{t} an Act for regulating Marriages and Granting marriage Licenses and an Act for Advancement of Learning and promotion of his Ma^{tys} Free Schoole of Maryland the latter of which this house have Consented to and have Ordered Cap^{t} Rich^{d} Hill M^{r} Michael Miller and M^{r} Willm Harris to joyne in a Conference with two of his Ma^{tys} hon^{ble} Councill whome they shall please to Appoint.

Signd ꝑ Ord^{r}
C: Gregory Clk of the house Del:

Whereupon ordered that the hon^{ble} Colonel Henry Jowles and Thomas Tench Esq^{r} joyne with the members of the house appointed to confer thereon,

This Board adjourned untill to morrow morning at 8 of the Clock

Original Journal. Saturday Novemb the 12th 1698.

The Councill in Assembly Sate p^r^sent as yesterday Came M^r^ John Whittington & severall members with three temporary Bills, Viz^t^

For Quieting Differences between the English and Indians

For speedy Justice for small debts

& a Bill ascertayning how and when Execucion shall be granted for publick Officers Fees.

Upon Consideration whereof these Bills together with the Reviving Bill are refered to his Ma^tys^ Councill at Law to make reporte whither they are for any temporary End.

Alsoe it is Refferred to the s^d^ Gent^n^ to giue their opinion whether or noe upon any other Governors coming in the present assembly can sitt by the same Writt. Who made the following Report viz^t^

May it please yo^r^ Ex^cy^ We have perused the Reviving Bill of the Accts of Assembly therein proposed to be revived

And we are of opinion that the Acts following and noe other therein mentioned do tend to a temporary End.

The Act for Limitation of officers ffees.

The Act Limitating County Clks ffees.

The Acts regulating the Militia.

The Acts ascertayning what shall be allowed upon protested Bills of Exch:

The Act laying on Imposition on Negroes and White Servants

The Act relating to Ordinarys.

Wee are also of opinion that the Acts ascertaining how and p. 46 when Execution may be granted for publick officers ffees the Act for spedy Justice for small Debts and the act for Reformation of Jeofails are not tending to a temporary End.

Willm Dent
R Gouldesborough.

May It please yo^r^ Ex^cy^ We have Consid^r^ed of the Referrence of yo^r^ Ex^cy^ in Councill relating to the Continuance of the Assembly under the p^r^sent Circumstances upon the Arrivall of an other Gov^r^ Wee find they are called by the Kings Writt and sitt under his Ma^tys^ Authority And any other Gov^r^ being Authorised by the same Prince Continues the same authority in the same Circumstances, and therefore the said Assembly doth not of Course dissolve but may continue under a succeeding Gov^r^ unless he shall think fitt to dissolve the same and that till they are dissolved they are in force Which is humbly submitted by yor Excys most humble Servants. Original Journal.

Wllm Dent
R Gouldesborough.

Then sent to the house the following messages Vizt

By his Matys Councill Nor the 12th 1698

The Bills sent by Mr John Whittington and severall others of the houses members are under Consideracōn of this Board. And We desire to know the houses Resolutions as to the Bills proposed by us to the which your Remarques and Amendmts haveing been proposed the passing of them ought not to be suspended without upon them both.

Signd ꝑ Ordr
W Bladen Cl: Concil.

By Excy the Govr and Councill in Assembly,
Novemb the 12th 1698.

A Rumour being spread a broade tht a Letter which was signed by the house of Delegates and sent to the Lord Bishop of London or some other ꝑson was Altered and that another which was not the same but another sence sign'd by the honble Robr Smith Esqr Speaker was sent Therefore It is recom̄ended to the house that inquiry be made thereinto that if any such Misfeazance has been Com̄itted the person or ꝑsons guilty there of may be punished according to Law

Or otherwise if noe such thing can be made appeare that the Divulgers of such Reports may be punished they being of very ill Consequence and tending to grate Disturbance in this province by amusing the good people thereof & infusing fears & Jealousies among them. p. 47

Signd ꝑ Ordr
W Bladen Cl: Concil:

The two last messages the Letters from his Maty the Lords of the Councill of Trade and Plantations.

The Order of his Maty in Councill about the boundarys of this Lrē & a Duplicate of their Lordps Letter of the 2d of 7th 1697 sent to the house of Delegates by the honble Thomas Tench Esqr and Colonel John Addison

Came from the house Major Ham̄ond and Capt Hill and acquainted the Board that they are appointed by the house to assist Mr Wm Taylard in apportioning the publick Levy.

Came Doctor Jacob Lookerman and Mr Thomas Hicks and bring up the Bill for assessing the publick Levy Which is read

Original Journal. and assented to by his Matys honble Councill and sent to the house Who are desired to dispatch what busieness and prnt what Bills now lye before them Vizt

By his Excy the Govr and Councill in Assembly,
Novemb the 12th 1698.

The Bill proposed by the house for assessing the publick Levy being here reade and assented to, This Boarde perceiving that it is the last Bill doe recom̄end to the house that they would againe reade the same and send it to us together with what other Bills and matters before them fitting to be Assented to as Laws & Ordinances in Order to make Dispatch and this sessions for his Matys and the Countrys

It is observed the house have sent noe answer to the Message this day sent concerning the two Bills proposed by this Board which is expected from you.
Signd ꝑ Ordr
W Bladen Cl: Concil.

Sent by Colonel Addison and Esqr Brooke

Then Came Major John Lowe Major Walter Smith Major Thomas Hicks & Mr Henry Hawkins with the following Message from the house vizt

By the house of Delegates Nor the 12th 1698.

In Answer to the Message by the honble Thomas Tench Esqr and Colonel John Addison wherein It recom̄ended to this House to make Inquiry concerning a Rumour that is spread abroad conserning a letter said to be sent to his Lordp the Lord Bishop of London.

p. 48 Forasmuch as it is so long since the same was writt that it is impossible to be Certainly remembred whereby to accuse any ꝑson therewith This house does humbly desire to be excused from prosecuting the same.
Sign'd ꝑ Ordr
C: Gregory Cłk house Delegts

As to the Bill proposed for regulating Marriages and granting Marriage Lycenses It has been Voted out by this house. And as to the Bill proposed for promotion of Learning and advancemt of his Matys Free schoole of Maryland It is resolved that It be referred to the Considracōn of the next Session of Assembly.
Signd ꝑ Ordr
C: Gregory Cl house Del:

Also Came from the House by Mr Hicks and Mr Ferry & Vizt

By the house of Delegates Nor the 12th 1698 Original Journal.

May It please Yor Excy } To his Excy Francis Nicholson Esqr his Matys Capt Genll and his honble Councill in Assembly.

The humble Address of the house of Delegates

Whereas your Excy and Con̄cill have been pleased by Sevrall Messages to make Reflections upon this house to recite the parrticulers whereof would be rather Cause of Aggravation than palliate Misunderstanding, And since yor Excy has been signally blessed with the Favour of our Most dread Soveraigne in that he hath been graciously pleased to Com̄itt the Governmt of Virginia to Yor Care and Conduct and must leave us, Wee can̄ot but humbly reprsent and declare to yor Excy that this province hath been Extreamly obliged to yor Exncy under this yor Govenmt And Doe desire your Excy would esteem us as indeed wee are his Matys most Dutifull and loyall Subjects. And as It must be acknowledged one of Our greatest temporall Blessings that it hath pleased Allmighty God to send soe Gracious a Prince to Reigne and Rule over us, and whome Wee shall ever be ready to serve with our greatest Abilitys, with that Dutefull & awfull respect which becomes Subjects of England soe Considring or Allegiance to his most Sacred Maty to which Wee have sworne and the principles of Christianity and more Especially as Wee are p. 49 protestants according to the Church of England, which in all its Circumstances, Wee shall be ready and willing to vindicate can̄ot but resent any Reflection wherein is Conteyned Our Dislike either to his most sacred Maty as our dread Sovraigne or the protestant Religion as by law Established, And that if Debate concerning our priviledge have been beyond what is really our Right of which we are not yet sencible, We desire they may rather be imputed to our Misunderstanding then Stubbornness

Signd ꝑ Ordr
C: Gregory Cl: house Del:

In Answr whereto was sent the following Message.

By his Matys honble Councill in Assembly
Nor the 12th 1698.

Gentn

We have received yor address and if any Reflections have been mad by us We were and are sorry We have had occasion so to do, But since you have now declared yorselves to be his Matys Dutyfull and loyall Subjects and to such due veneration for the Church of England as by law Established We are willing to beleive what you profess is reall and hope you will

Original Journal. for the future square yo^r actions according thereto, without falling into heats or Animositys which produce nothing but the ill Effects of his Ma^ty and the Countrys busieness

Signd ꝑ Ord^r
W Bladen Cl. Concil.

By his Ex^cy the Gov^r No^r the 12^th 1698.

Gent^n

What you mencion in yo^r Address concening his Ma^tys haveing been Graciously pleased to remove me to the Gov^t of Virginia, I am in Duty and all humble Gratitude obliged to owne as a Singular marke of his Royall favour and bounty toward me, and I hope th^t the Allmighty will be pleased to Enable me to Discharge that great Trust for his Glory his Ma^tys service and Interest and the good of the Inhabitants of that his antient Dom̄inion, all which according to my Duty I have endeavoured to performe ever since I have had the hono^r to serve his most sacred Ma^ty in this his province of Maryland. And I shall be glad upon all Occasions to doe his Ma^tys dutifull and loyall Subjects but paticularly those whome I have found soe and are of the Church of England as by law Established any service or Act of Friendshipp acording to my power and Ability.

And Gent^n I most heartily and Earnestly recom̄end to you and all those whome you rep^resent the Endeavouring a faithfull discharge of those respective Dutys which are due to God his Ma^ty and your Country the three Inseperable Characters of good Christians Loyall Subjects and honest men whereby both you and they will most Evidently appeare to be (what I Cordially wish and desire) the true friends of

ffr Nicholson

p. 50 By his Ex^cy the Gov^r in Councill in Assembly
No^r the 12^th 1698

ꝑposed that an Ordinance pass that the Treasurer of the Easterne Shoar pay unto the sev^rall persons on the Easterne Shoare the Sev^rall Sum̄es of mony now due and allow'd them and that the Gent^n appointed to State the publick Revenue draw orders upon those ꝑsons in whose hands they shall find the publick Stock to pay the sev^rall persons on the Westerne Shoare according to their respective allowances in the List Signed by his Ex^cy the Gov^r and hon^ble the Speaker of the house of Delegates

Signd ꝑ Ord^r
C: Gregory Cl: house Del:

Whereto Came the ffollowing Answer Viz^t

By the house of Delegates Nor 12th 1698. Original Journal.

Ordered that the Treasurer of Eastern Shore pay unto the sevrall ꝑsons on the Eastern Shore the Sevrall sum̄es of mony now due and allowed them in a Certain List signed by his Excy the Govr & honble the Speaker And that the Com̄ittee for the Inspecting the publick Revenue give notice to the severall persons living on the Western shoare the sevrall sumes mention'd in the said list where and in such hands as they shall finde the publick mony to be.

Signd ꝑ Ordr C. Gregory Cl house Del.

Eodm Die assented to by his Excy
the Govr and Councill W Bladen Cl: Concil.

By his Matys honble Councill in Assembly Nor 12th 1698.

The Message by Mr Ferry and Mr Hicks being Considered It is returned for Answer that as to the Bills [desired] to be revived you have not observed there Lordships the honble the Lords of the Councill of Trade and plantations Instructions in there Letter herewith sent you.

Signd ꝑ Ordr
W Bladen Cl: Concil.

Came the ffollowing answer vizt

By the house of Delegates Nor 12th 1698/9.

Upon the reading yor Excys Message by the honble Thomas Brooke and James Frisby Esqrs We have had Recourse to yor Excys Lrē from the Rt honble the Lords of the Com̄ittee for Trade and plantations and humbly desire that yor Excy would be pleased to Satisfye this house whether yor Excy referrd us to the said Lrē in respect the three Bills Wee desire to be reenacted or to the Reviving Bill

Signd ꝑ Ordr
C Gregory Cl house Del.

Whereto was sent the following answer vizt p. 51

By the honble his Matys Councill in Assembly
Nor 12th 1698.

By or Message by the honble Esqr Brooke & Esqr Frisby We did referr unto their Lordps Lrē as well to the reviving as to the others returned you.

Signd ꝑ Ordr W Bladen Cl. Concil.

Then Came this Message from the house vizt

Original Journal. By the house of Delegates Nor the 12th 1698.

We have no Busieness lyes before this house and humbly pray yor Excy that a Conclusion be put to this Sessions.

Signd ꝑ Ordr
C: Gregory Clk house Delegts

Whereupon the honble Colonel Joh Addison & James Frisby Esqrs were sent to Comand Mr Speaker & the house imediately to attend his Excy in Councill Came Mr Speaker and the house of Delegates And presented to his Excy the ffollowing Bills vizt

1. A Bill ascertayning the Bounds of a certain Tract of Land to the Nanticoke Indians so long as they shall Occupye and live upon the same

2. A Bill impowering Trustes to purchase Lands adjoining to the Fountaynes of healing Water Called the Coole spring.

3. A Bill for the more Speedy conveighing of the publick Lres and pacquetts of this province & settling a Revenue upon the sherriffs for Defraying the Charge thereof

4. A Bill to Enable Wm Coursey and Elizabeth his Wife or the Survivor of them to sell & acknowledge such Lands as were left by Colonel Vincent Lowe to be sold for the paymt of his just Debts

5. A Bill for the more Effectuall surpressing of prophane Cursing and swearing

6. A Bill for impowering Vestrymen to assess their parishaners for finishing and repareing Churches

7. A Bill appointing how publick officers shall recover their Dues accrueing by their office

8. A Bill for the punishment of priveteers and pyrates

9. A Bill for Vesting two Tracts of Land in John Gadesleye sold him by George Norman

10. A Bill for preventing Sherriffs from Sumoning Delegates and Justices of the peace to serve as Jurors in this province

11. A Bill for assessing the publick Levy of this Province

p. 52 Which said Bills being assented to by this Board his Excy was pleased on the behalfe of his Maty to give his assent thereto and they were sealed with the Broad Seale of the province

Then his Excy recomended to the house to appoint some of their members to over looke their Journall when made up by their Clarke

The following Address p^{r}esented to his Ex^{cy} by the hon^{ble} Colonel Henry Jowles Chancello^{r} on behalf of this Board and the house of Delegates Viz^{t} Original Journal.

To his Ex^{cy} Francis Nicholson Esq^{r} Cap^{t} Gen^{ll} and Gov^{r} of this his Ma^{tys} Province and Territory of Maryland

S^{r}

haveing lately received Intimation from yo^{r} selfe & others that his Ma^{ty} has thought fitt to remove you to another Governm^{t} that of our neighbour Colony of Virginia & reflecting with our Selves how becoming a thing it is to have allways a gratefull rem̄brance of benifits received we Cañot forbear to leave this Testimony and acknowledgm^{t} under our hands as it proceeds from our hearts. That in your Conduct over us in this place your great Care & study has been to promote the practice of piety & worship of allmighty God by Erecting Churches Schools and nurserys of Learning both for reforming of mañers and Education of youth wherein you have not onely been a Large Benefactor but an indefatigable promotor together with your Integrity of maintaining his Ma^{tys} Hon^{r} and authority in this province your Care in providing Arms & millitary Instruments for the defence of it yo^{r} regulating and hapy settlement of the Civill Constitution both as to the Courts of Justice and in bringing us out of Debt which the publick was in into a Condition Clear of Debt and mony in Bank by your promotion of Good Laws to such purposes yo^{r} great Care to cause a speedy Justice to be Adminestred to all persons your pious and Just your Noble and benevolent Carriage in all things deserves better penns & would take up more paper than this to recite. Be pleased Therefore Honourable Sir to Accept these our humble Acknowledgem^{t} for the same as the Just Tribute of an Obliged people to a generous & Good Gov^{r} praying to God Bless you & all your pious and noble undertakeings with hapyness and success soe prays

Yo^{r} humble and
oblieged Servants

Henry Jowles Chanc:	Councill^{rs}	Rob^{t} Smith
Charles Hutchins		John Hamond
Thomas Tench		Thomas Tasker
John Addison		James Keech
Thomas Brooke		John Hawkins
James Frisby		

Original Journal. p. 53
Richard Tilghman
Thomas Saunders
William Taylard
John Carvile
Hans Hanson
Thomas Beale
William Harris
Richard Hill
John Bozman
Sam^{ll} Cullens

John Wight
Will: Smith
Ninian Beale
Thomas Staley
John Leach
Thomas Ennalls
Thomas Hicks
Jacob Lockerman
Henry Hawkins
James Smallwood
of the house of Delegates.

Francis Jenkins
Walter Lane
Thomas Smith
Symon Willmor
John Thompson
John Whittington
Jacob Moreland

Sam^{ll} Young
William Hutchison
John Lowe
John ferry
John Hall
Michael Miller

Philip Lynes foreman
Willam Comegys
Chr: Greenberry
Ephraim Willson
Charles Bevin
Ambros Kinemont
Humphrey Tilton

Charles Tilden
Aron Tinuse
John Rawlins
Peter Wats
John Emerson
Thomas Atterbury
W^{m} Watts
W^{m} Mills
Thomas Killman
Grand Jury

Then his Ex^{ncy} was pleased to tell the house that he was heartyly Sorry they had been so long upon the Countrys busienss which might have been much sooner dispatched had not their owne private heates Jarrs and Animosity Interupted it, But forasmuch as that he hopes they are all now buried in the Depth of Oblivion he is not willing to revive them againe.

As to the Gent^{n} of his Ma^{tys} hon^{ble} Councill he does on his Ma^{tys} behalfe returne them thanks for their Zeale to his Ma^{tys} Service & asure them he will recom̄end the same to his Ma^{ty}

And for as much as he hoped all differrences were reconciled and forgott he would not make any distinction or seperation among the Gent^{n} of the house of Delegates for that he was willing to beleve what happened was through Inaduertency

p. 54 And as he had a great Esteem for all persons that had shewed themselves truly loyall to his ma^{ty} so when occasion offerred he would not omitt to shew by the best services he might do them

Original Journal.

His Ex^{cy} tould them that since his most sacred Ma^{ty} had been graciously pleased to remoue him to the Governm^{t} of the neighbouring Colony of Virginia he had likwise been pleased to conferr the hono^{r} and Charge of this Governm^{t} upon Colonel Nathan^{l} Blackiston who by Sev^{r}all advices he had received was a truly Loyall hon^{ble} and worthy Gent^{n} and under whose Governm^{t} he hoped they would find themselves uery happy & that he suddainly expected his Arivall.

Then was presented to his Ex^{cy} the following Address one the behalf of M^{r} Philip Clarke which is as followeth viz^{t}

To his Ex^{cy} Francis Nicholson Esq^{r} Cap^{t} Gen^{ll} and Gov^{r} of Maryland

S^{r} Although We cannot approve but dislike former Addresses for the Ease and releafe of Philip Clark yet we are moved to become Intercessors for him not approving his Actions but pittying his folly and misfortunes and not so much for his owne as for the sake of his Wife and innocent Children who bear a part of his (Justly deserued) sufferings.

May it therefore please your Excellency to Except of this our humble Address on his behalfe and Extend his Ma^{tys} Mercy to him in releasing him from his p^{r}sent Imprisonment takeing bond of him for his good behaviour and Abearance in such measure as you shall think Convenient for the preservation of his Ma^{tys} peace &

We believe your Ex^{cy} in your own nature inclined to mercy and averse to Rigour any further then the Hono^{r} of the King and peace of the province requires which we hope is and will be secured and that we may obtaine your favourable Acceptance of this we humbly subscribe

Your Ex^{cys} very humble servants

Henry Jowles
Charles Hutchins
Thomas Tench
John Addison
John Courts
Thomas Brook
& James frisby
Councill^{rs}

W^{m} Barton
Will Hutchison
John Lowe
Thomas Beale
Henry Hawkins
John Bozman
James Smallwood
Sam^{ll} Collins
Walter Lane
Thomas Hicks
Thomas Staley
ffra: Jenkins
Thomas Ennals
Jacob Lockerman
John Thompson
Jacob Moreland
John Hammond
W^{m} Taylord
Sam^{ll} Young
Richard Hill
Burgesses.

Original Journal. p. 55
Robert Smith
Thomas Tasker
James Keech
} Just pro^{ll} Court

Philip Lynes foreman
William Comegys
Ephram Wilson
Charles Bevin
Charles Greenberry
W^{m} Mills
Ambross Kinemont
Humphrey Tilton
Charles Tilden
John Rawlins
Peter Watts
Tho: Arterberry
John Emerson
W^{m} Watts
Aron Tinuse
Thomas Kilman
} Grand Jury.

Which being read his Ex^{cy} was Pleased to Order the Sherriffe to bring in M^{r} Philip Clarke which acordingly he did

And his Ex^{cy} was pleased to tell M^{r} Clarke that he did not detaine him in prison upon any prejudice to him but that all the Country might see that he was leagally condemned & Imprisoned because that upon a former Remission upon the like offences he had spread abroade reports both false and scandalous and during the tyme of his imprisonment he had reported that at the provinciall Court he would produce sufficient Reasons in Law to reverse the Judgem^{t} and procure his Liberty and being now the tyme of the prvinciall Court he willed him if he thought hee neded not the Kings mercy to produce, but if he Could not that after the End of the Court upon his giveing Bond for security of the peace and his good Behaviour he would Extend his Ma^{tys} Mercy so farr to him as to release him from his Imprisonm^{t}

Then his Ex^{cy} tould the house that he had recom̄ended to them to pay sev^{r}all Gent^{n} imployed for his Ma^{tys} service especially M^{r} Dent Who he said was a Lawyer and thereby got his Bread. And since they had not Considered his service he Could not see him a Sufferrer, but thereupon made him a p^{r}sent of a Bill of Exch: for which his Ex^{cys} Bounty & Generosity M^{r} Dent returned his Ex^{cy} humble thankes

p. 56 After which his Ex^{cy} was pleased to prorogue them untill the 28th Day of June next.

So End this second sessions No^{r} 12th 1698

W Bladen Cl: Concil.

PROCEEDINGS AND ACTS
OF THE
GENERAL ASSEMBLY
OF MARYLAND,

At a Session held at Annapolis, October 20 *to*
November 12, 1698

CHARLES CALVERT, LORD BALTIMORE,

Proprietary.

FRANCIS NICHOLSON,

Governor.

THE LOWER HOUSE OF ASSEMBLY.

Maryland ss: L. H. J.

Port of Annapolis October 20th 1698. p. 221

Whereas the Genl Assembly of this Province was by his Excy Ffrancis Nichoson Esqr his Majtys Capt Genl and Governour in Chiefe in and over this his Matyties Province of Maryland and the Territoryes thereunto belonging prorogued untill this Instant.

There appeared in the house these following Members Vizt

Mr Iacob Moreland.
Mr Iames Saunders
Majr Walter Smith
Mr John Leech
Mr Henry Hawkins
Capt Philip Hoskins
Mr Benjamin Hall.
Mr Iohn Hall
Mr Thomas Staly
Mr William Barton
Mr William Hutchison
Col. Ninian Beal, and
Mr Thomas Wright.

Who goe and present themselves to his Excy and his Majties honble Councill who being admitted was pleased to acquaint them that for as much as there is not any of the Delegates from the Eastern Shoar yet come to Towne and that severall of the members of the Western Shoare are yet wanting that he does by and with the advise of his Majties honble Councill further prorogue them untill the 22d Instant, and that they are thereby prorogued.

Dies Saturnij October 22d 1698.

The honble Iohn Courts and Iames Frisby Esquire Enter the house and informs them that his Excy requires Mr Speaker and the whole house to attend on him in Councill.

Mr Speaker and the whole house goe down to the Councill chamber where being admitted

His Excy was pleased to acquaint them that for as much as it had pleased God of his great Mercy to bless his Majties Kingdomes and Dominions with many great and Signall blessings particularly by crowning his Glorious Endeavours with an honble and happy peace, the Safe returne of his Matytie to his Kingdomes in Quiett and happy union and Signall

L. H. J. agreement and accord between his Majtie and Parliament in raiseing such Supplies as were necessary for defraying the arrears and supporting the honour and Dignity of the crowne

And what in a more particular manner affected his Majties p. 222 province was that it had pleased God to withdraw from us his afflicting hand of sickness and Restoreing health and blessing us with Severall Beneficiall and healing Waters Called the Coole Springs which by his blessing have wrought many wonderfull and Signall Cures

And Lastly for that the late Comotions and disturbances were extinguished for all which favors and blessings he had by the advise of his Matytes honble Councill appointed Tuesday next being the 25th Instant to be sett apart for a day of Publique Thanksgiving for the Same to be observed by the Generall Assembly and the Inhabitants of the Towne and port of Annapolis and on the 22d of Novembo in Ann Arundl County and all other Countys within this Province.

His Excy was pleased to comunicate and deliver to them Severall papers and Letters from their Ldps the Lords of the Councill of Trade and fforeigne plantations, as alsoe severall papers and Lers relating to the Coole Springs and a Coppie of Mr Coods and Mr Slyes articles against him.

His Excy was pleased to observe to them that he could not understand their meaning to insist to have the clk: of their house sworne to secresye but for them to order their Speaker to keep a Iournall he knew to be very unparliamentary, but if any of them will Transcribe the proceedings during the Sitting of the house they may at pleasure and further tells them that to prevent false Storyes and Reports which amuse and distract the people he is willing that bothe the Honble his Majties Councill and the Severall members of the house should be sworne to secrecie.

Lastly his Excy was pleased to tell them that ever since he had had the honr to serve his most Sacred Majtie in the Station he has been placed to appoint him he has Endeavoured nothing but what has been for the Glory of God and Service of his Majtie and the good of this province to which and noe other ends he prays God to direct them.

Whereupon Mr Speaker and the house tooke their leaves of his Excy and the Councill and returne to the Stadt house.

Where being mett and Mr Speaker having taken the chair.

Dies Saturnij Octobr the 22d 1698.

The Honble Collo Henry Iowles and Thomas Tench Esqr two of his Majties honble Councill and Mr Wm Bladen Clk: of the same councill came into the house and Informed them that

they had a Comission under the broad Seale of this Province L. H. J.
Constituting Christopher Gregory to be clerke of the house of Delegates within this province which being produced and read, and the said Christopher Gregory being called they presented him to them, and moved that they might give him oath as by their Message they were comanded and for which they produced the forme of the oath drawn up.

Whereupon M^r Speaker desired them to withdraw untill he knew the Sense of the house therein the person appointed p. 223
being a Stranger to some of them.

The hon^{ble} Coll^o Henry Iowles, Tho: Tench Esq. M^r W^m Bladen and Christopher Gregory withdraw.

Ordered that M^r W^m Hutchison and M^r Simon Willmore give notice to the afores^d persons to Enter againe which accordingly they did.

The Hon^{ble} Coll^o Iowles, Tho: Tench Esq. M^r W. Bladen and Christopher Gregory enter and the said Christopher Gregory is admitted clk:

Ordered that Cap^t Philip Hoskins and M^r W^m Hutchison goe together which the said Christopher Gregory to the Councill Chamber and see him the said Christopher Gregory sworne.

The s^d Cap^t Philip Hoskins, M^r W^m Hutchison and Christopher Gregorry departed and went to the Councill Chamber, where the said Christopher Gregory from the hon^{ble} Coll^o Henry Iowles chancellor tooke the oaths appointed by Act of Parliament instead of the Oaths of Allegegiance and Supremacy as also the Oath of clk: to the house of Delegates which Oath followeth in these words, viz^t

I Christopher Gregory do swear that I will well and Truely Execute the office of clk: of the house of Delegates according to the best of my power, skill and knowledge and understanding, and that I will make true and fair entries of the Severall proceedings in the house and a faire Iournall thereof returne into the Secrys office according to Law.

So help me God.

Captain Philip Hoskins, M^r W^m Hutchison and M^r Ch^r Gregory returne and the said Philip and W^m Say that they have seen the s^d Ch^r take the oaths afores^d

Whereupon M^r Speaker ordered the said Ch^r Gregory to take his place accordingly.

The house adjourned till Munday Morning Eight of clock.

L. H. J. Dies Lune October the 24th 1698.

The house mett, and were called over as followeth.

St Marys City
Capt Tho: Waughop
Mr Wmm Taylard.

St Marys County
Mr Philip Clarke
Majr Iohn Lowe
Mr Iacob Moreland
Mr Thos Beale

Kent County
Mr Michll Miller
Majr Thos Smith
Mr Iohn Whittington
Mr Simon Wilmore.

p. 224 Ann Arundell County
Major Iohn Hamond.
Capt Richd Hill
Mr Iames Saunders
Mr Samll Younge.

Calvert County
Mr Iames Crauford
Mr Walter Smith
Mr Elisha Hall
Mr Iohn Leech

Dorchester County
Major Thomas Ennalls
Mr Thomas Hicks
Mr Iacob Lookerman
Mr Walter Campbell

Baltemore County.
Mr Iohn Hall.
Mr George Ashman
Mr Tho: Staley
Mr Iohn Fferry

Charles County
Majr Iames Smallwood
Capt Philip Hoskins
Mr Henry Hawkins
Mr Benjn Hall

Talbott County
Major Thomas Smithson
Mr Edward Lloyd
Mr Richard Tilghmon
Mr Wm Hensley

Somersett County
Mr Ffrancis Hawkins
Mr Iohn Bosman
Mr Walter Lane
Mr Samll Collins

Cæcill County
Mr Wm Harris
Col: Hans Hansen
Col: Iohn Thompson.
Mr John Carvile.

Prince Georges County
Mr William Hutchison
Major Wm Barton
Collo Ninian Beale
Mr Iohn Wright

Whereof were absent Capt Thos Waughop, Mr Wm Taylard, Mr Philip Clarke, Major Iohn Lowe, Mr Thomas Beale, Mr Michll Miller, Mr George Ashman, Mr Wm Hemsley, Mr Ffrancis Ienkins Mr Iohn Bosman, Mr Walter Lane, Mr Samll Collins and Collo Iohn Thompson

It was reported to the house that Mr Michll Miller one of the Delegates for Kent County, was on his Journey hither and taken sick by the way and that Mr George Ashman one of the Delegates for Baltemore County was gone for England and that Mr Wm Hemsley one of the Delegates for Talbott County was up at Philadelphia. L. H. J.

Then was read the following rules vizt

By the house of Delegates Octobo the 24th 1698.

It is this day ordered by the Burgesses and Delegates of this Province now assembled that these Rules and Orders following be observed by the Burgesses and Delegates now assembled and by the clk of this house dureing this Sessions of Assembly.

1st That no Burges Deputy or Delegate of this house shall use any revileing Speeches, or name any one by his proper name, but by another signification vizt the Gentleman which spoke last or the like

2. That no one Speake above once at a Reading to any bill without License of the Speaker, and if two persons or more rise up together the Speaker shall appoint who shall speake first and no one may Interrupt another or Speake till p. 225 the other hath ended.

3. That none shall give his opinion or Speake Sitting to any bill, but shall stand up and Reverently direct his Speach to the Speaker.

4. That every bill proposed to the house shall be read three Severll tymes before it be Engrossed and that between every reading one day shall be Intermitted unless upon very urgent occasion Mr Speaker with the consent of the house shall dispence therewith, and then one being read twice at one sitting shall be sufficient as being read two Severall tymes and days when so Entered on the Clks Iournall.

5. That no one shall come to the house of Assembly whilst the house is sitting with a Sword or other weapon, but shall put the same into the hands of the Door keeper or other person appointed, upon penalty of a fyne as the Speaker Deputys and Delegates shall thinke fitt.

6. Any of the members bound to attend this assembly which shall be absent from this house at the tyme appointed after the number of Two and Twenty and the Speaker according to the Ordr for Sittling the house shall forfeit all his or their Allowance or Allowances for every such and so many dayes as he or they shall be so deficient without sufficient Excuse for the same to be allowed of by the Speaker.

L. H. J. 7. That all Misdemean^rs that shall happen within this house shall be considered and fyned by the house.

8. When any bill is presented, and no one makes objection thereunto M^r Speaker shall appoint any one member to speake to the said bill and deliver his opinion first and so in order as M^r Speaker shall thinke fitt.

9. That dureing the Sessions of this Assembly noe one whatsoever Either Burgess, Deputy, Delegate or Clke: shall utter any words or make relacōn of any words spoken in the house to any bill or otherwise upon debate or Conference upon penalty of such fyne as the house shall thinke fitt.

10. That no bill be read but in full house during this sessions of Assembly, all Comittees being called into the house.

11. That no Burgess, Deputy, Delegate or Clk: dureing this Sessions of Assembly ꝑ^rsume to smoake Tobacco in the house whilst the house is a Sitting und^r the penalty of being fyned and censured as the house shall thinke fitt.

Signed ꝑ Order.

Ch^r Gregory Clk: of the house of Delegates.

Ordered that the clk: of this house Transcribe the foregoing Orders and sett the same up in some convenient place for every ones perusall by to Morrow Morning.

Resolved that the house will every morning go to prayers at ten of the clock.

p. 226 Ordered that Cap^t Philip Hoskins give notice to the minister who is appointed chaplaine, to attend accordingly.

Read M^r Philip Clarkes petition.

Put to the Question whether the Sherriffe of Ann Arundell County should be sent for before this house to shew by what power he detaines M^r Philip Clarke one of the members of this house from giving his attendance upon this house.

Resolved in the affirmative.

Ordered that Dan^ll Cannon Serjeant attendant upon this house be sent to M^r Richard Beard high Sherriffe of Ann Arundell County and Summon him to appeare before this house and that he bring with him all such papers whereby he detaines the said M^r Philip Clarke from his attendance as a fores^d.

The house adjourned till two of Clocke.

Eod: die.

The Serjeant attendant returns and brings in M^r Richard Beard Sherrife of Ann Arundell County.

M^r Speaker demands of M^r Beard to produce before this house the precept by which he detaines M^r^ Philip Clarke one L. H. J. of the members of this house of Assembly from his attendance.

M^r^ Beard informs them that he lies under Execution for the sume of six thousand pounds of Tobacco at his Maty^tys^ suite, but for as much as the precept is in the hands of the under Sherrife, that he cannot at present produce the Same, he humbly prays time till to Morrow morning to send for it.

Resolved thereupon that M^r^ Beard have time untill to Morrow morning to produce the same.

Resolved that there be a comittee appointed to draw up an address to his Ex^cy^ the Gov^r^ on the behalfe of M^r^ Philip Clarke.

M^r^ Mich^ll^ Miller, M^r^ Edw^d^ Lloyd, Major Thomas Smithson, M^r^ Elisha Hall, M^r^ Simon Willmore and M^r^ Iohn Hall are appointed and sent out a comittee to draw up the said address.

The house adjournes till to Morrow Morning seven of the clock.

Dies Martis Octo^r^ 25^th^ 1698.

The house mett againe and were called over, the Members wanting Yesterday were still wanting Except M^r^ Miller.

The house adjournes till to Morrow Morning Eight of Clock.

Dies Mercurij Octo^r^ the 26. 1698.

The house mett againe, and were called over, and were then absent Cap^t^ Thomas Waughop, M^r^ W^m^ Taylard, M^r^ Philip Clarke, Major Iohn Lowe M^r^ Thomas Beale, Cap^t^ Richard Hill, M^r^ George Ashman, M^r^ W^m^ Hemsley, M^r^ Ffrancis Ienkins, M^r^ Iohn Bosman, M^r^ Walter Lane, and M^r^ Sam^ll^ Collins.

Resolved that Cap^t^ Richard Hill for his not appearing loose p. 227 this dayes allowance, according to the rules of this house.

M^em^ That M^r^ Rich^d^ Beard high Sherriffe of Ann Arundell County hath not yett appeared and produced his precept whereby he detaines M^r^ Philip Clarke one of the members of this house according to the order of this house.

By the house of Delegates Octob^o^ the 26^th^ 1698.

M^r^ Sam^ll^ Chew appearing before this house Informs them that Cap^t^ Thom^s^ Ely when he entered his negroes Reported for but three hundred ninety and six negroes and finding afterwards that he had more on board of which he made no Entry the whole being Four hundred Twenty three negroes

L. H. J. for the whole of which he was Ready to pay the Impᵗ and desired that noe advantage might be taken agᵗ him for the same for want of a post Entry, and that this house would be pleased to order him to whome he should pay the sᵈ Impost.

It is resolved upon by the house that he pay the same to the navall officer for the District of the port of Annapolis and that no advantage shall be taken thereon for want of such post Entry as a foresaid, if his Exᶜʸ and the honᵇˡᵉ Councill shall approve of the same.

Signed by order
Chʳ Gregory clk: house of Delegates.

Ordered that Mʳ Benjᵃ Hall and Mʳ Thomas Hicks carry up the aforesᵈ Message to his Exᶜʸ and Councill.

The Comittee appointed to draw up the address to his Exᶜʸ on behalfe of Mʳ Philip Clarke presented the same which was read, Vizᵗ

To His Exᶜʸ Francis Nicholson Esq. Capᵗ Genˡˡ &c. and his Majᵗⁱᵉˢ honᵇˡᵉ Councill.

The humble address of the house of Delegates.

May it please yoʳ Exᶜʸ

It being evident to this house that Mʳ Philip Clarke one of the members thereof is now detained in prison, and it falling under our Consideracōn, to inquire for what crime the said Philip Clarke was so detained, and whether under such convictions as debarred him from the Service of this house in order whereunto Inquiry was made of the Sherriffe by what precept and for what crime the said Philip Clarke was by him detained, his answer was that he was detained by virtue of a Capias ad Satisfaciendum for six thousand pounds of Tobacco due to the King, but could produce no such precept, and having examined former presidents in the like case do find that no member ought to be restrained from the Service of this house, but for Treason, fellony, or denying surety for the peace.

Therefore do humbly conceive that his being present here is our undoubted Right and priviledge, and for that Reason p. 228 do humbly pray your Exᶜʸ that the said Philip Clarke may be permitted to come and sitt in this house as being esteemed a usefull member thereof.

Signed by order
Chʳ Gregory Clk: house of Delegates.

Mʳ Benjamin Hall and Thomas Hicks, returne and say they have delivered their Message.

Voted if the address should be carryed down to his Excy without any alteration or Amendmt and Carried in the affirmative. L. H. J.

Ordered that Mr Iacob Moreland Mr Iames Saunders, Major Thos Smith, Mr Iames Crauford, Major Iames Smallwood, Mr Thos Staley Mr Richard Tilghman, Major Thomas Ennalls, Mr Iohn Carvile and Major Wm Barton, Carry the said address to his Excy

The house adjournes till one of the clock.

Eod: die, The house mett againe and were present as before.

Mr Speaker informs the house that hed recd a message from his Excy since the house adjourned that the house should attend upon his Excy Instantly.

Mr Speaker and the house go downe to the Councill Chamber.

Att the Councill Chamber, the house was called over and were absent Capt Thomas Waughop, Mr Wm Taylard, Mr Philip Clarke, Major Iohn Lowe, Mr Thomas Beale, Mr George Ashman, Mr Wm Hemsley, Mr Ffrancis Ienkins, Mr Iohn Bozman, Mr Walter Lane, and Mr Samll Collins.

His Excy was pleased to order the address sent on behalfe of Mr Philip Clarke to be read, which accordingly was done.

Whereupon his Excy Informs them that he would make distinctions amongst them and se who were for the King and who were against him for that Mr Philip Clarke is held in prison for being Guilty of the breach of the Act of Assembly of this province agt Divulgers of falce news for the breach of which he hath been found guilty, as well as by the oaths of the Grand Jury for the body of this province as by the Oaths of the Petit Iury upon his tryall, and the Oaths of other evidences.

His Excy was pleased to order the afd act of Assembly agt Divulgers of falce news together with Mr Bladen deposicōn to be read.

Which accordingly was done.

Whereupon his Excy was pleased to inform the house that he is Imprisoned for six months by the virtue of that act and that whosoever shall Endeavour to take him out of the Kings prison he must declare him or them to be a Rebell or Rebells.

And his Excy further Remarked that he admired how they could say the prayer in the Litany agt Sedicion, and act as he apprehended it, so seditiously.

His Excellency ordered the house to returne back. p. 229

Mr Speaker and the house returne back, and Mr Speaker having taking the chaire.

The house was adjourned for an hour.

L. H. J. Eod: die. The house mett againe and were present as before.

Moved by a member of this house that they ought to resent his Ex^cy^ words in distinguishing who are for the King and who are ag^t^ him.

Secondly. Concerning his words about the prayer in the Litany against Sedicōn, and, Thirdly about his words of taking M^r^ Clarke out of prison.

The hon^ble^ Thomas Tench Esq^r^ and Iames Frisby Esq. Enter and deliver some papers to M^r^ Speaker and returne.

Resolved that a Comittee be sent out in humble and modest tearms to shew the houses Resentment of his Ex^cys^ words.

1. In distinguishing who are for the King and who are against him.

2. Concerning the houses being Seditious.

3. Concerning the takeing M^r^ Clarke out of Prison; and to bring in the same to Morrow morning.

Proposed that if the house should further consider to prosecute M^r^ Clarkes Enlargem^t^ so far as to attend this house this present sessions.

Resolved that a comittee be sent out to consider thereof.

The house adjournes for halfe an hour.

Eod: die The house mett againe present as before.

Ordered that M^r^ James Crauford M^r^ Mich^ll^ Miller, M^r^ Ew^d^ Lloyd, M^r^ Iohn Carvile, Maj^r^ Thomas Smith, M^r^ Elisha Hall, M^r^ Iohn Hall, be a comittee to consider the further prosecution of M^r^ Clarkes Enlargem^t^ so far as to attend this house this present sessions.

Ordered that M^r^ Simon Willmore and Coll^o^ Iohn Thompson M^r^ W^m^ Harris Cap^t^ Rich^d^ Hill and Major W^m^ Barton be a comittee to draw up this houses Resentm^t^ of his Ex^cy's^ Words.

The house adjournes till to Morrow Morning Eight of Clock

Dies Iovis, Octob^r^ the 27^th^ 1698.

The house mett againe, and were called over the members yesterday wanting were still wanting.

Information was given this house that Cap^t^ Thomas Waughop of the Delegates for the City of S^t^ Marys was sick of the Gripes.

Cap^t^ Rich^d^ Hill being yesterday censured by this house to loose his allowance for not appearing when the house was called according to the Rules of this house giveing the house a reasonable excuse for such his absence the Same was remitted.

The Honble Coll° Henry Iowles and Coll° Iohn Courts two L. H. J. of his Matjties Councill enter and informe the house that they are comanded in his Majties name to attend upon his Excy in Councill Instantly and that they are not to depart without them.

Mr Speaker makes answer that for as much as there is two p. 230 Committees out he will send for them in and then Imediately waite upon his Excy

The Comittees came in and the house goes up to the Councill Chamber.

Att the Councill Chamber.

His Excy is pleased to acquaint Mr Speaker and the house that he beleives that they neither have nor can yett forgett what he said to them yesterday, and that he admires that having yesterday sent them a Message that as yett he had received no answer.

And therefore thinks it convenient for his Matytys Service to Prorogue them till the Twenty Eight of this Instant.

And that the house are hereby prorogued.

Mr Speaker and the house repair to the State house and Mr Speaker having taken the chaire.

Prorogues this house till the 28th Instant.

And the house Thereupon prorogued accordingly.

So Ended this Sessions
of
Assembly.

Att a Sessions of Assembly begun and held at the port of Annapolis the Twenty Eight Day of Octob° in the Tenth yeare of the Reigne of our Sovereigne Lord William the third, by the Grace of God of England, Scotland, France and Ireland, King Defender of the faith &c and in the year our Lord one Thousand six hundred and ninety Eight being prorogued from the 27th Instant untill this time.

The house mett and were called over whereof were absent Capt Thomas Waughop, Mr Philip Clarke, Mr George Ashman being gone for England, Mr Wm Hemsley being up at Philadelphia, Mr Francis Ienkins, Mr John Bozman Mr Walter Lane, Mr Samll Collins.

The honble Coll° Henry Iowles and Thomas Tench Esqr two of his Majties honble Councill enter the house and informs Mr Speaker that his Excy in his Majties name Comands him and the whole house to attend him Instantly att the Councill board.

L. H. J. Coll^{o} Henry Iowles and Thomas Tench Esq^{r} depart.

M^{r} Speaker with the whole house goe up to the Councill Chamber.

Att the Councill Chamber.

His Ex^{cy} was pleased to recommend to the house the Consideration of Severall Letters which he had rec^{d} from the Lords of the Comittee for Trade and Fforraigne Plantacōns.

2^{dly} Concerning the Rangers.

3^{dly} The Indian Affairs.

4^{thly} Concerning the Indians at the head of the Bay, and my Lord Baltemores acc^{t} of the Indians.

5^{thly} Concerning the Coole Springs.

6^{thly} The acc^{t} of what money has been raised since his Ex^{cys} comeing to the Govennment when att that time the Country was in debt, but now by acc^{t} there appears to be about fifteen pounds Sterl: in banke and for which money has been raised has been appropriated for the Kings Service and the good of the Country and fore as much as it has so happened that there are small cropps of Tobacco made this year his Ex^{cy} is pleased to declare he is willing that one halfe of the money now in banke should be to the Easm^{t} of the Country dues.

Whereupon his Ex^{cy} was pleased to deliver M^{r} Speaker the Severall papers and acc^{ts} relating to the Severall foregoing proposicōns, and ordered them to returne backe to their house.

M^{r} Speaker and the house returne to the State House, where M^{r} Speaker having taken the chaire adjournes the house for an houre.

Eodum Die. The house mett againe and were called over, and were present as before.

p. 232 Put to the vote if a Comittee should goe out to consider of M^{r} Philip Clarkes attendance on this house this sessions.

Carried by the Majority of voices that a Comittee shall go out to Consider thereof.

Resolved that a Comittee be appointed to bring in what authorityes in Law they can produce for his Enlargement so far as to attend this house.

And that they consider and draw up an humble address to his Ex^{cy} on behalfe of the said Philip Clarke.

Ordered that M^{r} Iames Crauford, M^{r} Mich^{ll} Miller M^{r} Ed^{w} Lloyd M^{r} Iohn Cavile, Maj^{r} Thomas Smith, M^{r} Elisha Hall, M^{r} Iohn Hall, be appointed of that comittee.

The house adjourns for halfe an hour.

L. H. J. Eod die House mett againe. Resolved that a comittee be sent out to Inspect those papers his Ex^{cy} was pleased to deliver M^{r} Speaker and to make report of what they shall find convenient and necessary to be considered by this house and to bring in their Report so soon as possible.

Ordered that Cap^{t} Rich^{d} Hill and Major Thomas Ennalls and M^{r} W^{m} Taylard be appointed a Comittee to make such inspection and Returne such report.

Moved by a member of this house that for as much as severall of the Laws made in this province since the time his Maj^{ty} has been pleased to take the Goverm^{t} into his own imediate care and protection have been repealed and Severall of the Temporary Laws are Expired and some near Expiring, whether it might not be necessary for the Good of this Province that a Comittee be appointed to Inspect the Laws of this province which have been made since the time his Mat^{ts} has been so pleased to take this Governm^{t} to himselfe and to draw a list of what Laws are now in force in this province and what Laws are not in force.

Resolved that a Comittee be appointed to Examine the whole body of Laws which have been made in this province since his Maj$_{ty}$ has been pleased to take the Govern^{t} to himselfe and that they draw out a list of which laws are now in force in this province, and what laws since that time have been repealed and what Temporary Laws Expired and what Temporary Laws Expired and what Temporary Laws are now in force.

Ordered that M^{r} Simon Willmore and M^{r} Rich^{d} Tilghman be appointed a comittee to examine the body of Laws of this Province and returne such list to the house.

The Comittee appointed to consider of M^{r} Clarkes enlargement so far as to attend this house and make report.

1st That they have examined such books as at present they have and have found some presidents on his behalfe, but for want of some other bookes they humbly desire some further time till to Morrow to produce some further Authorityes p. 233
(which was granted them)

2^{ndly} They present an address which they have drawn up to his Ex^{cy} and Councill on behalfe of the said M^{r} Clarke which they pray may be presented to his Ex^{cy} and Councill in the mean time, which was read, Viz^{t}

To his Ex^{cy} and his Maj^{ties} hon^{ble} Councill.

May it please your Ex^{cy}

Before our last prorogation we made our humble address to your Ex^{cy} and hon^{ble} Councill to enlarge M^{r} Philip Clarke being a Mem^{b} of this house to serve in the Assembly.

L. H. J. Whereupon your Ex^cy^ was pleased to prorogue this house and being againe mett, and still finding the said M^r^ Clarke in prison Your Ex^cy^ we hope will hold us excused if we Judge it our duty to our Country still to Insist on our priviledges and againe humbly to supplicate your Ex^cy^ to Suffer the said M^r^ Clarke to serve in this house, the house of Delegates in this province have always claimed as their birth right the same priviledges as the house of Comons claime in England.

Neither his present Maj^ty^ nor any of his Royall procurators, nor the Lord Baltemore during his Government ever denyed us them.

And therefore if in this case the house of Comons might claime their priviledge we also hope for the same from your Ex^cy^ he standing in our opinion as a Rightly Qualified member of this house, once more make our humble address that if your Ex^cy^ and Councill shall Determine and adjudge that a member of the house of Comons in England in like case ought not to have priviledge of parliament. and by consequence the said Clarke ought not to have priviledge wee will for the present acquiesse in such Judgment (saving to ourselves at altimes Liberty to produce authorityes and presidents) but if your Ex^cy^ and Councill. shall adjudge and determine that a member of the house of Comons in the like case ought to have priviledge of Parliament them by consequence lett our member have his priveledge and that noe man receive any markes of your Ex^cy^ displeasure nor reproach for peticoning for his attendance here, which being read.

It was put to the vote if the said address should be sent to his Ex^cy^ and Councill. And Carried by the Majority of voices that it be sent.

The house adjournes till to morrow Morning Eight of Clock.

Dies Saturnij Octob^r^ 29^th^ 1698

House mett and were called over, whereof were absent, Cap^t^ Rich^d^ Hill, Cap^t^ Thomas Waughop, M^r^ George Ashman, M^r^ W^m^ Hemsley, and M^r^ Philip Clarke.

p. 234 Cap^t^ Hill for his non appearance according to the rules of this house Censured to loose his dayes allowance except he shews a Reasonable Excuse for his non appearance.

Ordered that Major Iohn Low, M^r^ Iohn Whittington, M^r^ Benj^n^ Hall, M^r^ Walter Campbell, M^r^ Sam^ll^ Young and Major W^m^ Barton goe downe and present the address on the behalfe of M^r^ Philip Clarke to his Ex^cy^ and Councill.

Read a peticon of M^r^ W^m^ Coursey of Talbott County and Eliz^a^ his wife praying that an Act may be made to Impower them to sell and make acknowledgments of Severall Lands left by Col° Vincent Low dec^d^ for the payment of the Debts of him the said Lowe. L. H. J.

Ordered that a bill be drawn up to Impower the said W^m^ Coursey and Eliz^a^ his wife to Sell and acknowledge those Lands left by Colonel Vincent Lowe dec^d^ to be sold for the payment of his Debts as aforesaid and that Col° Iohn Thompson prepare such bill.

Ordered that Major Thomas Smith, Coll° Iohn Thompson, Cap^t^ Philip Hoskins and M^r^ Iohn Hall be appointed a Comittee to inspect the publick acc^s^ of this province.

Who being so appointed accordingly went out.

Ordered that M^r^ William Harris, M^r^ W^m^ Hutchison, M^r^ Iames Saunders, M^r^ Elisha Hall and M^r^ Simon Willmore be appointed a comittee to Examine into the agrievances of this Province and make Report thereof to this house.

Who being so appointed accordingly went to Inquire thereof. Major Iohn Lowe, M^r^ Iohn Whittington, M^r^ Benj^n^ Hall, M^r^ Walter Campbell, M^r^ Sam^ll^ Young and Major W^m^ Barton, returne and say they have delivered the address. Cap^t^ Hill appeares.

Moved by a member of this house that some way be thought on how to assertaine the bounds of Lands within this province to avoid suites at law.

Ordered that sixteen members with the Speaker be a sufficient number to make a house.

The hon^ble^ Robert Smith Esq^r^ and Maj^r^ W^m^ Dent attorney Gen^ll^ of this province enter the house and present M^r^ Speaker with the following message, which was read, Viz^t^

By his Ex^cy^ the Gov^r^ and Councill in Assembly
Octob^r^ the 29^th^ 1698

The Message from the house by Major Lowe and four others of your members, was rec^d^ and read, and finding how familiarly yon have four times mentioned The Right hon^ble^ the house of Comons in his Maty^ts^ Kingdome of England desireing the opinion of his Ex^cy^ and this board upon Questions in the said Message putt.

This Board considering of what weight and consequence it is to adjudge the Rights and priviledges of the R^t^ hon^ble^ the house of Comons in his Maj^ties^ Kingdome of England will not Imediately give their opinion without mature and deliberate consideration thereon. p. 235

But do againe recomend to you his Maj^ties^ and the Countryes business given you in charge yesterday and more of the

L. H. J. same nature herewith sent, since you cannot be ignorant of the vast charge you have putt the Country to.

Fra: Nicholson
Henry Iowles Cha: Hutchison
Thomas Tench Iohn Courts
Iohn Addison Tho^{s} Brookes.
Iames Frisby.

Resolved this house will proceed on the Countrys business.

The hon^{ble} Thomas Tench Esq. and Iames Frisby Esq^{r} enter the house and deliver their Message to M^{r} Speaker, which was read as followeth.

By his Ex^{cy} the Gov^{r} and Councill Octo^{r} 28th 1698.

His Ex^{cy} having recommended to the house severall papers being the Treaty of Coll^{o} Thompson and others with the Indians at the head of the bay, their opinion is required whether it may not be adviseable to send to the Gov^{r} of New Yorke to acquaint him that severall Indians are seated upon Susquahannah and Potomacke. And to inquire whether they do not belong to the nations or any other Indians under his Govern^{t} which if they be this Government will not harbour or protect them.

This house have read the Treaty made with the Indians att the head of the bay by Coll^{o} Thompson and others and do conceive that the Shawnise Indians came from the Southward and not any ways belonging to the Government of New Yorke, and the Susquehannah Indians are at their old habitacōn supposed to be without the Limitts of this Province, and that this house has no assurance of any nation of Indians seated at the head of Potomacke.

A Copy of his Maj^{ties} Royall Instructions to his Ex^{cy} about Liberty of Conscience sent to the house for their opinion whether the Roman Catholicks have not forfeited such his Maj^{ties} favour here.

Nothing appearing to this house of any violation of such his Maj^{ties} Royall Instructions, the same is referred to your Ex^{cy} and Councill.

Resolved that the honble Thomas Tench Esq. and Iames Frisby Esq^{r} be Joyned with such Com̄ittee as the house shall appoint of their members to Inspect the publick Acc^{os} which are recomended to be examined since his Ex^{cys} accession to this Government, and that they make the following remarkes to that Com̄ittee.

1. That upon M^{r} Sam^{ll} Watkins acc^{s} that by com̄on report M^{r} Sheiffield Imported about fifty negroes and gave credit but for thirty two.

2. Whether Major Whittington paid the Tobacco of his Treas^{rs} acc^{co} to the Country. L. H. J. p. 236

3. That the Comittee inquire into the accompts of the Treas^{ry} and Sherriffes of the Tobacco arising by the Act for Imposicōn upon officers.

4. That the acc^{o} of furrs to the free Schools, be extracted and made apart, and that they review the free Schoole and give opinion of the worke.

5. That the Comittee compute the charge of the building and finishing the Court house, that the charge of it may appear.

6. That the Comittee take an acc^{o} of what Servants and negroes have been Imported this year, and from whence the servants came, being his Ex^{cy} is to send the acc^{o} thereof to their L^{d}pp. the Lords of Councill of Trade and plantacons.

Ordered that Major Iohn Hamond, M^{r} Thomas Staley, M^{r} Sam^{ll} Young Ioyne in Comittee with the hon^{ble} Thomas Tench and Iames Frisby Esq^{r} to Inquire into the said acc^{os} and to make their Report accordingly.

Herewith is sent the peticōn of the Rangers on Potomacke under the Comand of Cap^{t} Richard Brightwell which is referred to the consideracōn of the house

Signed ꝑ order
W Bladen Ck: Councill.

The house has considered of the Peticōns of the Rangers ag^{t} Cap^{t} Oulton and Cap^{t} Rich^{d} Brightwell, but for as much as the petitioners are not present In Towne but will come in a few dayes it is referred till they come to Towne that they may better informe this house their peticōns being so uncertaine and Darke.

Signed ꝑ order, Ch^{r} Gregory Ck: house of Del:

Ordered that Major Hamond, M^{r} Thomas Staley and M^{r} Sam^{ll} Young carry the said answers to his Ex^{cy} and Councill and Joyne in the aforesaid Co͞mittee.

The house adjournes till Munday Morning Eight of clock.

Dies Lune Octob^{o} 31st 1698.

The house mett, and were called over, and were absent Cap^{t} Thomas Waughop, M^{r} Philip Clarke, M^{r} George Ashman, M^{r} W^{m} Hemsley.

Coll^{o} John Thompson brings in the bill which he was ordered to prepare for the Impowering of M^{r} W^{m} Coursey and Eliz^{a} his wife or the Survivor of them to Sell and acknowl-

L. H. J. edge Severall tracts of Land left by Col° Vincent Lowe to be sold for the payment of his Debts.

Ordered to be read, and read the first time.

Ordered that Cap^{t} Hills excuse be accepted for his nott being here on Saturday morning when the house were called over.

Ordered that M^{r} Walter Lane be upon the Comittee of Agrievances in the room of M^{r} Simon Willmore.

A Bill for the Explaneing what bills and obligations were Intended to be Excepted in the latter part of the Act Entitled an act for the Securing of Adm^{rs} and Exōrs from double paying of Debts and Limitting the time of payment of obligations within this province, which was read the first time and ordered to be read to morrow morning. p. 237

Moved by a member of this house whether it may not be convenient to repeal the Act of Assembly of this province for laying an Imposition upon Officers.

Resolved that it be referred to the Comittee of Laws to consider thereof and prepare a bill.

Moved by a member of this house for as much as the method used in this province for officers fees being upon Execution ag^{t} the bodyes of persons being Indebted to them for fees is altogether contrary to the Rules of the Comon Law and practice in England whether it might not be sufficient for the said officers to have only fieri facias ag^{t} the goods of such persons.

Resolved that it be referred to the Comittee of Lawes to consider thereof.

Major Iohn Hamond and M^{r} Thomas Staley and M^{r} Sam^{ll} Young are sent with the answer to his Ex^{cys} proposicōns.

Read Iohn Newtons Peticōn.

Ordered that he be allowed 20^{l} of Tobacco ꝑ day for his accomodations dureing this sessions of Assembly.

Read W^{m} Lydalls peticōn, Ordered that he be allowed for so long time as he kept the ferry.

M^{r} Elisha Hall and M^{r} Walter Lane came from the Comittee of agrievances and required of M^{r} Speaker the Iournall of the last Comittee of agrievances which he had the last sessions.

Who makes answer that his Ex^{cy} in his Maty^{s} name comanded him to deliver it up before he went out of Towne.

Ordered that M^{r} Ffrancis Ienkins, M^{r} Mich^{ll} Miller, M^{r} Iames Crauford, M^{r} Iohn Carvile, Col. Ninian Beale, M^{r} Simon Willmore and M^{r} Rich^{d} Tilghman be appointed a comittee of Laws.

The house adjourns till one of the clock.

Eod. die. The house mett and were called over, and were present as before. L. H. J.

The hon^{ble} Coll^{o} Henry Courts and Thomas Brooke Esq. enter the house and present M^{r} Speaker the following Message (viz^{t})

By his Ex^{cy} the Gov^{r} and Councill,
Octob^{o} the 31st 1698.

The houses Message by M^{r} Iohn Ham̄ond M^{r} Staley and M^{r} Young brought this day was here rec^{d} and read, and his Ex^{cy} and this board do approve of the houses Results therein and hereby express their Satisfaction in that you do proceed to doe his Mat^{ys} and the Countrys business the sole end for which you are now mett and hope in God there will be a good and speedy conclusion of this sessions.

Signed by order
W Bladen Cłk: Councill.

Cap^{t} Rich^{d} Hill, Maj^{r} Thomas Ennalls and M^{r} W^{m} Taylard being appointed a comittee to examine Severall papers p. 238 delivered by his Ex^{cy} to this house and to make report thereon, enter the house and present the same.

Ordered that the same be referred till to morrow morning to a full house.

It is remarked that in the 9th paragraph of the said Com̄ittees returne Concerning privateers and pirates that for as much as the said Com̄ittee find it Necessary that a Law should be made for the punishment of such offenders

Ordered that the said Comittee prepare such Bill for the punishment of the Same as may be agreeable to the constitution of this province.

Cap^{t} Tho^{s} Taskers acc^{o} being referred from the comittee of acc^{os} to this house was read.

Ordered that the same be referred to a full house.

Iames Brayes acc^{o} being referred from the Comittee to this house, was read.

Ordered that the Com̄ittee allow him for the two last articles, and that he be referred to the person that Imployed him to make Satisfaction for the remaining part of his acc^{o}

The house adjournes till to morrow morning Eight of clock.

Dies Martis Nov^{r} the 1st 1698.

The house mett and were called over, were absent Cap^{t} Thomas Waughop, M^{r} Philip Clarke, M^{r} Geo: Ashman, M^{r} W^{m} Hemsley, Coll^{o} Hans Hanson. Was read over what was done yesterday.

L. H. J. The Bill for Explaneing the Cause in the Latter part of the Act of Assembly Entitled an Act of Assembly for Securing of Exōrs and adm^{rs} from double paying of Debts and Limitting the time of payment of bonds and obligations within this province, was read the second time.

The Bill for Impowering of M^{r} W^{m} Coursey of Talbott County and Eliz^{a} his wife and the Survivor of them to sell and confirme divers Tracts of Land left by Coll^{o} Vincent Lowe to be sold for payment of his Debts.

Upon the Reading of a peticōn of M^{r} W^{m} Sharp concerning the payment of ten ꝑ Cent for some Servants brought out of Virginia and Travelling to Pensilvania. The same was endorsed

It is the opinion of this house that the said servants are not within the Tenor or ꝑveiwe of that act of assembly if his Ex^{cy} shall concurr therewith.

C. Gregory Clk: house of Delegates.

The Comittee of Acc^{o} having referred an Acc^{o} to them presented for the payment of the frayming and setting up Gates in the Towne and port of W^{m} Stad^{t} It is ordered that for the same they be allowed the sume of 1800^{lb} Tob^{o} for the frames the publick and the Gates to be paid for when sett up.

The acc^{o} of M^{r} Thomas Tasker yesterday referred to this morning was read, and ordered that he be allowed as a Justice but not as a Councell^{r}

p. 239 Moved by a member of this house and one of the Iustices of the Provinciall Court that he might be allowed for one day after the last Court being appointed by the said Court to Settle the Docquett according to act of Assembly.

Ordered that he be allowed for such his dayes attendance.

The Comittee appointed to Inspect the severall papers his Ex^{cy} was pleased to deliver to M^{r} Speaker at the beginning of this Sessions and to make report of what they find convenient and necessary to be answ^{d} by this house, bring in their report which was read, Viz^{t}

Att a Comittee held at the state house the twenty Eight of October Anno: Dom: 1698. Especially appointed by the house of Delegates to Inspect Severall Letters and papers offered by his Ex^{cy} and Councill for ꝑusall and were appointed.

Cap^{t} Richard Hill, Maj^{r} Tho^{s} Ennalls and M^{r} W^{m} Taylard, who makes their report thereon as followeth.

In a long Letter from the Lords of the Comittee Trade and plantations bearing date the second day of September 1697. This comittee have made these observations, on the Severall papers and Letters therein.

1. As to the first part of what we find particularly directed to his Ex^cy and referrs to another Letter from his Maj^ty dated the 27th of Aprill 1697. L. H. J.

2. As to the second paragraph in the said Letter which mentions an address from the Assembly that the Estate of Coll: Copley might make good the 4th part of the Revenue according to his Maj^tys orders for Stores.

3. This house does not thinke it worth while to looke after it.

3 Concerning Stores and Magazines which his Maj^ty requires an acc^t of this house humbly desires his Ex^cy whome this house humbly conceive has the rec^t from the Severall officers, for all such armes and amunitions that he will be pleased to answer the same.

4. As to the paragraph relating to money given to publick uses an acc^s whereof is also required.

Ordered that the same be referred to the comittee Especially appointed to examine the said acc^s to answer.

5. As to that paragraph relating to the Quota of Men, We do understand that since his Maj^ties orders therein mentioned the happy peace is concluded by which we hope we may be excuse by an address of his Maj^ty for that purpose together with our apoligies formerly made.

6. As to the paragraph in the said Letter relating to the Boundaryes of Maryland.

Whereas in our addresses to their Lp^d's the Lords of the Comittee of Trade and plantations we did desire that the said L^d proprietary the Lord Baltemore might be heard therein, but not finding any thing by his L^dship done concerning the same, this house humbly desires not yett further to Intermeddle therewith. p. 240

7. As to that part of the said Letter relating to the Laws of this province We find that two Copies are now written which will yeild satisfaction as required, and where it mentions what alterations shall be made in our Laws be by the Judgm^t or opinion of his Ex^cy it is our opinion that no alteration be made without assent of Assembly.

8. As to the paragraph which relates to a list of Freemen, Serv^ts &c We find that by his Ex^cys Care orders are already given to that purpose.

9. Relating to Pirates and Privateers.

Ordered such a bill be prepared for the punishment of such offenders as may be agreeable to the Constitution of this province.

10. That paragraph relating to persons Imployd in places of Trust contrary to the Intent of the Act for preventing frauds and regulating abuses &c. wherein their L^dships say that the

L. H. J. Sherriffs returns do not answer the orders by his Ex^cy^ to them given.

What these Orders were we know not, therefore cannot give any opinion therein.

11. As to that paragraph concerning the Assemblyes address to his Maj^ty^ for the remission of forfeited Bonds &c.

Wee find not only forwarded but seconded by his Ex^cy^ on our behalfes.

Ordered that the thanks of this house be returned to his Ex^cy^ for the same.

12. As to that part relating to Large Tracts of Land &c.

This house does desire his Ex^cy^ to acquaint his Lordshp: the Lord Baltemore Agents therewith in order to regulate that ill convenience.

13. As to an Act of Generall pardon.

This house is not conscious to themselves that this Province Labours under any Guilt and therefore humbly conceive that they have no need of such pardon.

14. Paragraph relating to two condemned women, we are of opinion has no relacōn to this house.

15. That part of the Letter concerning M^r^ W^m^ Dents petition for Sol^r^ Generalls office we humbly conceive only relates to his Ex^cy^

16. As to addresses and associacōns. We are of opinion requires no remark.

17. As to peticōns, addresses and Letters having Large margents. We conceive it necessary that they have Large margents as required.

This comittee having Inspected another Letter from the Lords Com^rs^ for Trade &c dated the 21^st^ of March 1697/8 relating to privateers &c

Is answered in the 9^th^ paragraph of the former. This Comittee haveing likewise Inspected a Letter from the Lords Com^rs^ for Trade &c. relateing to agents the same was put to the vote if this province shall maintaine an agent in England or not.

And carried by the majority of voices not to maintaine any agents.

p. 241 Likewise this Comittee have Inspected a Letter from M^r^ James Keech to his Ex^cy^ dated the 16^th^ of October Importing the purchase of Lands at Coole Springs.

Ordered that this comittee prepare a bill to Enable some fitt persons to purchase 50 acres of Land for the use of the Coole Springs and of the ꝑtye or ꝑtyes, owner or owners thereof shall refuse to such Quantity at reasonable rates to Impower the Sherrife to run out such quantity of Land according to Law for purchaseing Towne Land directs. L. H. J.

And as to anothor part of the said M^{r} Keeches L^{re} relateing to the carrying away freemen and Serv^{ts} &c out of this province.

This house say that there are already Laws in this province for prevention thereof

Moved by a member of this house on behalfe of the Carpenter Imployed on the publick buildings to consider of what Timber to make the roofe for the church.

Ordered that his Ex^{cy} be acquainted with the mocōn and desired to appoint some of his Maj^{ties} hon^{ble} Councill to Joyne with some of the members of this house to consider thereof

The house adjourns till one of Clock.

Eod: die. The house mett againe, were absent as before Cap^{t} Waughop.

Moved by a member of this house whether it might not be of more advantage to the Country to allow the Sherrife of each County one thousand pounds of Tobacco ꝑ annum to defray the charge of packetts and Expresses that shall come to their hands to be Expedited and that no other allowances hereafter be made for carrying any such Expresses or packetts whatsoever

Resolved that a Bill be prepared therefore Moved by a member of this house, if it be not necessary, an act may be made to Impower the vestrymen of each parish to assess the parishoners for the repareing of churches, Entitled an Act for the service of Almighty God and Establishment of the Christian Religion, for a severe fyne if they do not provide a Register Booke for the said vestry, but no provision made in the s^{d} act how it shall be paid for, and another Clause which gives to the minister after the churches are built the whole 40 ꝑ pole but no provision made for the repairing of the churches

Resolved that a Bill be prepared Empowering the vestrymen and church wardens together with six more of the parishoners of each parish when as often as necessity shall require itt to levy on the parishoners of such parish a certayne sum of Tobacco not exceeding ten pounds of Tobacco ꝑ pole for repairing of the Severall churches within this province.

Ordered that M^{r} Edw^{d} Lloyd prepare the said Bill and bring it in to morrow morning. p. 242

Dan^{ll} Cannons peticōn read praying an allowance for his attendance on this house as Serjeant Attendant.

Put to the Vote if he shall be allowed 1200^{lb} Tobacco or 1600^{lb} Tobacco Voted that he be allowed 1600 to be allowed in Ann Arundell County.

L. H. J. The hon^ble^ Coll° Henry Jowles and Thomas Brookes Esq^r^ Enter the house and deliver the following message (viz^t^)

By his Ex^cy^ the Gov^r^ and Councill in Assembly
Octo^r^ the 31^st^ 1698.

Proposed that the house give in charge to the Comittee for Stateing and Examining the acc^os^ that they ꝑticularly examine and state the Q^r^ part of 12^d^ ꝑ hh^d^ given by his most Sacred Maj^ty^ for the Supplying the Country with Arms and Amunicōn that it may appear what hath arisen thereon since his Ex^cys^ Accession to this Government and how it hath been disposed. And that the house would also give their opinion and advice how the arms and powder sent for shall be disposed it being by his Ex^cy^ and this board conceived the safest and the best way to have it distributed as formerly to the Severall Countys for these reasons.

1. If they be in one Magazine they are liable to be blowne up as the accident of the chancell^rs^ house at S^t^ Mary's and the late Instance in Virginia.

2. That they are liable to be seized by an Enemy or upon an Insurrection.

3. It will putt the Country to great charge and trouble upon any suddaine occasion to Distribute them.

Signed by Order
W^m^ Bladen Ck: Councill

By the house of Delegates Nov^r^ the 1^st^ 1698.

The message by the hon^ble^ Coll° Henry Iowles and Tho: Brookes Esq. this house have considered and concurr with your Ex^cy^ and the Councills proposalls therein.

Signed by order
Ch^a^ Gregory Cl: house of Delegates

Ordered that M^r^ Thomas Hicks, M^r^ John Bozman M^r^ Sam^ll^ Collins, Major Iames Smallwood, Major Iohn Lowe and M^r^ Henry Hawkins carry the said Message together with two bills this day read and M^r^ Sharpes peticōn to his Ex^cy^ and Councill. M^r^ Beards acc° for men and horses by him sent on Errands upon acc° of the publicke referred by the comittee of acc° to this house

Ordered that the said comittee make him allowance for the reasonable time for those Journeys (considering the distance) when he shews them upon what occasions they were sent and by what authority.

M^r^ W^m^ Bladen clk: of his Maty^s^ hon^ble^ Councill Enter the house and presents severall papers to M^r^ Speaker. L. H. J. p. 243

Ordered that the same be referred till to morrow Morning.

The house adjournes till to Morrow Morning Eight of Clock.

Dies Mercurij Novemb° the 2^d^ 1698.

The house mett and were called over, and were absent M^r^ Philip Clarke, M^r^ Geo: Ashman and M^r^ W^m^ Hemsley.

Read over what was done yesterday.

M^r^ Hicks, M^r^ Bozman, M^r^ Collins, Major Smallwood, M^r^ Hawkins and Major Lowe say they delivered the message by them sent.

The mocōn yesterday made concerning the Roofe of the church and referred till this morning was debated and ordered that the Comittee that was Especially appointed to Inspect the Publick charge of building &c. consider thereof

Put to the vote for as much as there is no post within this province, whether a bill shall be prepared to allow the Sherriffes of the Severall countyes a certaine Sallary for the dispatching all Letters and packetts as shall be for his Maty^s^ Service.

Carried Nemine Contradicente in the affirmative.

Ordered that the Comittee of Laws prepare such bill and to Consider therein the trouble which some Sherriffes may have more than others, in the dispatching Letters and packetts.

M^r^ Edward Lloyd brings in the bill which he was ordered yesterday to prepare.

A Bill for the punishment of privateers and pyrates, read the first time.

A Bill for Impowering the churchwardens, Vestrymen, and Severall more of the parishioners to assess the parishioners for repairing churches, read the first time.

The Message yesterday brought by the Hon^ble^ Coll° Henry Iowles, and Thomas Brookes Esq^r^ and referred till this morning was read, Viz^t^

By his Ex^cy^ the Gov^r^ and Councill in Assembly
Nov. the 1^st^ 1698.

Recomended to the house that they will appoint some of their members to Joyne with Col° Iowles and Esq. Brookes to Examine and Margent the Laws transcribed according to the directions of the Right hon^ble^ the Lord of the Councill for Trade and fforeigne plantations and that care be taken to have the samed Coppied according to the Agreem^t^ w^th^ his hon^r^ Coll: Iowles and Maj^r^ Hamond.

L. H. J. Ordered that Capt Hill, and Major Ennalls be joyned with those of his Matys: Honble Councill to examine and margent the Laws provided that they draw up first the bill ordered them to prepare and that they be no longer thereon then this house shall sitt this Sessions.

p. 244 Recomended that the house will make an act to ascertaine the charge of the Grand Iury of this province and the Grand Jurys of the Severall Countyes as also the certaine forms of Oaths for the Severall officers to take persuant to a former proposall last sessions of Assembly.

Referred to the next Sessions of Assembly.

And that the house will consider how to Modelize the Act about the Militia of this province so as to render them more Serviceable upon all occassions and to Lighten the burthen thereof upon poorer Sorte of Inhabitants.

This house does conceive that the law therein made does Sufficiently provide therefore.

The Staff, which the person who attends the house in the nature of a Serjeant att arms bears, his Excy is pleased to make a present to the Country provided it be thus used, Vizt

To be carried before the chancellor, the Speaker of the house of Delegates, the Chiefe Justice of the provinciall Court the Comry Generall for probate of wills and Iudge of Admiralty as occasion requires.

This house returns his Excy their humble thanks. Proposed that the house will discourse Collo Ennalls and Lieut Collo Hicks about the Complaint of the Nanticoake Indians, and that some order pass and their Land run out to put an end to that dispute.

As to the Choptank Indians this house thinks it necessary that your Excy should Issue your Warrt to the Kings Surveyor of that County and that other persons as your Excy shall be pleased to appoint to direct them for to run out their land, but for the other Indians it is referred to the next Sessions of Assembly.

His Excy the Govr of Virginia's Lre: together with his proclamation for the apprehending of Mr Cood is sent you for ꝑusall has no answer.

Major Whittingtons peticōn and Complaint is referred to the Consideration of the house.

The Petrs referred to the Comon Law for redress: The peticōn of St Marys County referred to the house. Referred to the next sessions of Assembly to consider thereof.

Mr Richard Beards peticōn about the cellar under the Gate house referred to the Consideration of the house Rejected.

Mrs Eliza Bournes peticōn referred to the consideration of the house.

Referred till to Morrow Morning to a full house L. H. J.

An Order of his L^{d}Shipps to the Lord Baltemores Councill anno 1689 for altering a pattent on Record, referred to the Consideration of the house.

Layd aside no person appearing to prosecute. p. 245

Proposed that the house give leave to Lieu^{t} Coll^{o} Thompson to go home and fetch his navall officers acc^{os} which are now much wanted in regard that the Kings receivers and all others acc^{ts} cannot be Compleated without them which are now to be sent to the Right hon^{ble} the Lords of the Comittee of Trade and plantacons.

This house cannot spare such Members.

M^{r} R Beard and severall other Sherriffes peticons referred to the house to consider thereof Referred till to morrow morning to a full house

Proposed that whereas Iohn Perry dyed before he entered upon his yeares Service for which he agreed with the house his Ex^{cy} being willing to putt the Country to as little charge as might be haveing yett occasion for his Maj^{tys} Service to send to his Ex^{cy} the Earle of Bellemont his Maj^{tys} Gov^{r} of New Yorke and twice to Virginia Imployed one M^{r} Ioseph Mann for which services by him performed and more of the like nature to be done.

It is recomended that he be allowed 25^{l} the one halfe of what M^{r} Perry was to have had which is hoped will be all that is needfull for this yeare

Signed ꝑ order
W Bladen Clk of Councill

Referred till to morrow morning to a full house

Ordered that M^{r} W^{m} Hutchison be upon the Comittee for Inspecting the Public officers acc^{ts} in the roome of M^{r} Thomas Staley.

M^{r} W^{m} Bladen Clk: of his Maj^{tys} hon^{ble} Councill enters the House and presents M^{r} Speaker with large margented paper to transcribe the Iournall of this Sessions of Assembly on, according to the directions of their L^{d}shipps the L^{ds} of the Comittee for Trade and foreigne plantations, and the like for the publicke Treasurers to draw up their acc^{os} on.

Ordered that Lieu^{t} Coll^{o} Thompson and M^{r} Iohn Ferry carry the answers to his Ex^{cy} concerning former proposalls which were read this morning to his Ex^{cy} and Councill.

Ordered that M^{r} Edward Lloyd and Maj^{r} Walter Smith be Joyned to the rest of the members of this house that are upon the Comittee of aggreivances.

The house adjournes till one a Clock.

L. H. J. Eod die. The house mett againe and were called over and were absent as before.

Coll° Thompson and Mr Ferry say they have delivered their Message.

Read the peticōn of the Inhabitants on Indian River.

p. 246 This house does humbly desire your Excy to comission some person there to be a Justice of peace in order for the ꝑservation amongst them of the peace.

Read Ioseph Thompson's peticōn praying an order of this house for his quiet possession of a peice of Land.

The Petr referred to his defence at the comon Law

The house adjourns till to Morrow Morning at Eight of Clock.

Dies Iovis Novembr the 3d 1698.

The house mett againe and were called over, absent Mr Philip Clarke Mr George Ashman and Mr Wm Hemsley.

Mr John Ferry having urgent occasion was admitted to go home.

Read over what was done yesterday.

Mr Beards remonstrance relateing to publick Creditt yesterday referred was read over.

Put to the vote of the Act of Assembly made in May 1697. Entitled An Act ascertaineing what shall be the Sherriffes duty in and upon returns by them made for publick dues and officers fees.

Carryed Nemine Contradicente in the affirmative.

The proposall of his Excy and Councill on behalfe of Mr Ios Mann yesterday referred to the consideration of a full house, was read.

Madam Bournes peticōn read, being yesterday referred.

The house resolved themselves into a Grand Comittee, and Capt Richard Hill is ordered to make reporte of their proceedings at the next sitting.

The Comittee breaks up, and Mr Speaker having taken the chair, Capt Hill makes report as followeth vizt

That he is ordered from the Comittee to acquaint them, that for as much as the Severall Comittees are to go out by which means the members of the remaining part of the members, will be but small that as many members as will constitute a house shall take into consideration the Peticōn of Madm Bourne and the proposall relateing to Mr Mann and do what they shall thinke necessary in these affaires.

The Bill Impowering the Vestrymen, Churchwardens &c to assess the parishioners, read tbe second time was comitted for amendmt

A Bill for Repealing the Act Entitled An Act for raising a supply towards the defraying the publick charge of this province, read the first time, and ordered to be read againe to morrow morning. L. H. J.

Resolved that a Message be sent to his Ex^cy^ and Councill to appoint Two of the Councill to Joyne with three of the members of this house to consider of the matter relating to the nanticoake Indians. And ordered a Message be drawne.

By the House of Delegates Nov^r^ 3^rd^ 1698. p. 247

The house does humbly desire your Ex^cy^ will be pleased to appoint Two of his Maty^tys^ hon^ble^ Councill to Joyne with three of the members of this house to consider of the matter relateing to the Nanticoake Indians.

Signed ꝑ order.
C Gregory Ck house of Delegates.

Read Acc^o^ of Cap^t^ Rich^d^ Hill praying an allowance for his care and Trouble in directing the Cłk: and Examineing the Laws that are ordered to be transcribed.

Put to the vote if he shall be allowed anything for so doing or not.

Carried in the affirmative.

Ordered that Cap^t^ Rich^d^ Hill be allowed for the same 1200^lbs^ Tob^o^ and Major Hamond who was likewise concerned therein be allowed for his care and trouble therein 800^lb^ Tob^o^

As to his Ex^cys^ and Councills proposalls on behalfe of M^r^ Ioseph Man this house does not conceive that M^r^ Man has not Complyed with halfe the business which M^r^ Perry was to do and that M^r^ Perry did save the Country severall small charges which have been allowed by this house this sessions.

Wherefore this house does humbly conceive that Twenty pounds Sterl: is a sufficient Recompense for such his trouble provided he performs the other journey mentioned in the proposalls which this honse is willing to allow and no more.

The Comittee appointed to prepare the bill for the purchaseing of Lands for the use of the Coole Springs bring in the same which is ordered to be read to Morrow morning.

Ordered that M^r^ Walter Cambell give notice to M^r^ Robert Mason Treas^r^ of the Western shoare to bring in his publick acc^s^ to this house this afternoon.

The house adjournes till one a Clock.

Eod die The house mett againe and were present as before.

M^r^ Walter Cambell says that he delivered his Message.

L. H. J. Maj^r^ Ennalls sayes he delivered his Message and that his Ex^cy^ had appointed the hon^ble^ Charles Hutchins and Coll^o^ Iohn Addison to Joyne with such comittee.

Ordered that Coll^o^ Thomas Ennalls, Maj^r^ W^m^ Barton and M^r^ Sam^ll^ Collins be appointed to joyne with the said Comittee.

Ordered that M^r^ W^m^ Taylard be upon the Comittee with Cap^t^ Rich^d^ for the Examining and margenting the Laws in the Roome of Col^o^ Ennalls, Madam Bournes peticōn granted and this assembly will pay the Debt and cost in the currency money of this Province.

p. 248 Ordered that M^r^ John Whittington and M^r^ Benj^a^ Hall carry the answer of this house to his Ex^cys^ proposalls to his Ex^cy^ and Councill.

They returne and say they delivered their Message.

The Comittee of aggrievances Enter and present their Report in writeing to M^r^ Speaker.

Ordered that the same be referred till to morrow Morning.

The house adjournes till to morrow Morning Eight of Clock.

Dies Veneris Nov^r^ the 4^th^ 1698.

The house mett againe, and were called over, Absent M^r^ Philip Clarke, M^r^ Elisha Hall, M^r^ George Ashman, and M^r^ W^m^ Hemsley

Read over what was done yesterday.

Ordered that those bills referred to this morning to be read, be referred till to morrow morning, and that the Comittee of Laws bring in all the bills that are by them prepared to be then read likewise.

The Comittee of acc^o^ Enters the house and presents their Iournall so far as they have proceeded which was ordered to be read and accordingly was read.

The Comittee likewise presents an acc^o^ of M^r^ Iohn Taylors Sherrife of Dorchester County of Severall delinquents or persons taxed in the Leavy which are deserted the province of which he prayes allowance of this house.

Resolved that the Severall Justices of the Severall Countys as it hath been usuall for them in assessing and Leavying the County charges to make allowance to the Sherriffes for such delinquents and to pay them out of the County Leavy, and that they still in like manner defray such charge.

The house adjournes till one of Clock.

Eod die. The house mett againe were present as before.

Read the Report of the Comittee of Aggreivances viz: Whereas his Maty: out of his Princely care to know how his

Subjects in these remote parts of his dominions are Governed L. H. J. has comanded that a Journall as well as of the house of Delegates as of his Councill be sent to the Lords &c that his Ex^{cy} would grant that the house may cause a Copy may be transcribed during the sessions and sealed and sent by the house to accord all Jealousies and Suspecions of having our Letters and addresses and other publick accounts changed or altered through the mistake or deficiency of Clarkes in transcribing or otherwise.

That your Ex^{cy} would abstaine hereafter Implicitely or Expressly to menace, deter, or over awe the house or any member of the same from freely debateing matters in the house.

That noe member of the house be declared Malignant nor Comanded before the Councill nor any other wayes disturbed or sum̄oned by his Matys^{ty} Writt of venire, for their free Speaking in the house as long as they keep themselves within p. 249 their duty to his Maj^{ty} nor that his Ex^{cy} would trouble any member for any slye Secret and comonly false reports of any thing done in the house but only take notice of what is reported to him from the house and no further.

That he would receive into his protection all such Gen^{t} as for no reward serve his Maty: in the office of Justice of the peace and other officers and not suffer them to be harrast and troubled upon obsolete Laws or otherwise and unjustly there being nothing materiall proved ag^{t} them And that your Ex^{cy} would make his Maty^{tes} Service less Servile and more easy which is become naucious to such as are left capable of serving his Maty^{tey} And that your Ex^{cy} would abstaine from Calling the clk of Comittees upon Oath to discover all done in their Comittees &c

And that your Ex^{cy} would not hinder the members of this house when sessions are done from freely going home or any wayes Stop them nor use any wayes by proclamac̄on or other wayes to render the members of this house unworthy to the meaner Sorte

Whereas it hath been represented to this house as a greivance that Severall of his Maj^{ties} good Subjects being Sum̄oned to the provinciall Court and there to attend as Jurymen notwithstanding their obedience to such sum̄ons and attendance doing their duty according to the best of their Capacities Severall of them have been called and examined relating to a virdict and are straitly bound in Recognizance in the Sume of Ten pounds Sterl: for their appearance the next Court and of good behaviour, and ordered that the rem^{a} part of the Jury be prosecuted to appear and answer the same at the next Court, it being a proceeding so unusuall in this pro-

L. H. J. vince that this Comittee does referr the consideration thereof to this house.

Resolved by this house that an address be drawne to his Ex^cy and Councill for redressing the said aggreivances.

The Comittee appointed to consider the matter Relateing to the Nanticoake Indians Enter the house and present their Report in writing.

Ordered that the same be referred till to morrow Morning.

M^r Robert Mason Treasurer of the Western Shoare Enter the house and presents his acc^ts to this house.

He was demanded when he accounted last.

Who made answer the 1^st of June 1697.

He was demanded that for as much as Severall negroes great Quantityes of rum and other Comodityes have been since Imported whereby this house did believe he had a much greater sume to account for then by his acc^os produced did appear.

p. 250 He replys that his Ex^cy by his order in Councill did comand him to cease from Executing the office of Treasurer and likewise did prohibite the Severall Navall officers accounting with him, and that no officers have rendered him any acc^o this year.

Resolved that an address be drawn to his Ex^cy and Councill on behalfe of the s^d Mason to Capacitate him to rend^r his acc^o

Moved by a member of this house that whereas it has alwayes been a custome and practice for the public to allow to the Severall Countyes on the Eastern Shore an annuall Sum̄e for the maintaining of a boat to transport the Delegates of the Severall Countys to and from the assemblys from whence it naturally concludes that there must be men to manage the said boats who likewise must be paid for such their trouble and labour and that it hath been alwayes the custome and practice of this Province for all such persons to be paid and allowed for such their Service by those Severall and respective Countys at the assessing and apportioning the County leavyes, yett notwithstanding severall of the Justices upon that shoare have been vexed, troubled and molested for such their allowance under their pretence of their Leavying and assessing the same upon the good people of this province Contrary to Law.

Resolved that for as much as it hath hetherto been usuall and Customary for such Severall and respective Countyes to defray such charge by Taxing of it into the County Leavy that this house does thinke it necessary that such Custome be still continued.

The house adjournes till to Morrow Eight a Clock.

Dies Saturnij Nov^r the 5^th 1698. L. H. J.

The house mett againe and were called over, and were absent, M^r Philip Clarke, M^r Elisha Hall, M^r Geo: Ashman and M^r Iohn Ferry and M^r W^m Hemsley.

Read over what was done yesterday.

A Bill for repealing a certaine Act Entitled an Act for raising a Supply towards the publick charge of this province read the second time.

A Bill for Impowering Justices to purchase Land adjoining to the fountaines of healing waters called the Coole Springs, read the first time and ordered to be read againe on Munday morning.

A Bill for Impowering the vestrymen &c to assess their parishioners for finishing and repareing Churches read the Second time.

A Bill for the more speedy conveying the publick letters and packetts of this province and Settling a Revenue on the Sherriffes for defraying the charge thereof. read the first time and ordered to be read againe on Munday morning.

A Bill for preventing of the Sherriffes from sumoning the Delegates and Iustices of the peace to serve as Jurors in this p. 251
province, read the first time and ordered to be read againe on Munday Morning.

A Bill for repealing an Act Entitled an Act ascertaineing what shall be the Sherriffes duty in and upon returns by him made for publick dues and officers fees, read the first time and ordered to be read againe on Munday morning.

A Bill appointing how publick officers shall recover their dues accrueing by their office, read the first time and comitted for amendm^t

A Bill for ascertaineing the bounds of Lands read the first time and ordered to be read againe on Munday Morning.

A member of this house brings in a Bill for the more effectuall suppressing of Curseing and Swearing. the same was read the first time and ordered to be read againe on Munday morning.

The hon^ble Thomas Tench Esq^r and Coll^o John Addison Enters the house and presents M^r Speaker with severall papers.

M^r W. Bladen Clk: of his Maty^s hon^ble Councill enters the house and acquaints them that his Excellency desires two of the members of this house to go downe to the Councill Chamber and se M^r Rob^t Mason Treasurer of the Western Shoare make Oath to his acc^o

Ordered that Coll^o Ninean Beal and M^r Iames Saunders goe downe to the Councill chamber and se M^r Robert Mason swear to his said acc^o

L. H. J. They returne and say they have seen the s^d^ Mason make oath to his said acc^a^

Ordered that M^r^ W^m^ Taylard and M^r^ Iohn Hall apportion the Publick Leavy.

M^r^ W Bladen Clk: of his Maj^tys^ hon^ble^ Councill by the Speaker's favour of this house admitted Enters this house and humbly moves this house for 5000^l^ Tob^o^ for such part of the countryes business which he did on the acc^t^ of M^r^ Henry Denton deceased late clk: of his Maj^ties^ hon^ble^ Councill and for 4000 p^r^ of Tobacco for 4 months sallary which he claymes as clk: of the Assembly.

Referred till Munday Morning.

The house adjournes till Munday morning Eight of clock.

Dies Lune Novem^r^ the 7^th^ 1698.

The house mett againe and were called over, absent M^r^ James Crauford, Cap^t^ Philip Hoskins, M^r^ George Ashman, M^r^ Iohn Ferry M^r^ W^m^ Hemsley.

Read over what was done yesterday.

Moved by Major Hamond that the persons that made the ditch might be paid by this house, for that the pay which was allowed them was ordered in the hands of M^r^ Robert Mason publick Treasurer of the Westerne Shore who denyes to pay the same being now out of his office. p. 252

This house taken into Consideracōn M^r^ Bladens mocōn referred till this morning for the allowing him 5000^l^ Tob^o^ for the ꝑfecting M^r^ Dentons Iournalls and other business, are informed that M^r^ Thomas Grunwin the Att^ry^ of the said M^rs^ Denton and the said Bladen are agreed that the said Bladen shall be allowed out of the Sallary due to the said M^rs^ Denton on the acc^o^ of her husband the sume of 5000^l^ Tob^o^

Whereupon it is ordered that the Comittee make him such allowance out of the Same.

This house likewise Considering the 4 months Sallary Claymed by the said M^r^ Bladen as clk: of the house of Assembly.

Resolved that he be not allowed any such Sallary.

Bill for the more speedy conveying of publick Letters and packetts &c read the second time.

Bill for repealing the Act Entitled an Act ascertaineing what shall be the Sherriffes duty upon returnes &c read the second time.

Bill for preventing the Sherriffes sumoning Delegates and Justices of the peace to Serve as Iurors read the second time.

Bill for the more Effectuall Suppressing of cursing and Swearing read the second time.

Bill for ascertaineing the bounds of a certaine Tract of Land L. H. J. to the use of Nanticoake Indians, read the first time and ordered to be read againe to morrow morning.

The address ordered to be drawne upon behalfe of Mr Robert Mason was read, Vizt—

To his Excy Francis Nicholson Esqr Capt Genll and Govr in cheife in and over his Majties province of Maryland, and his Majties honble Councill.

The Humble address of the house of Delegates.

May it please your Excy

Whereas this house did the 4th Instant call Mr Robert Mason Treasurer of the Western Shoare before them to render an acco of his Treasurers office. The said Mr Mason did Signifye to this house that your Excy had forbid all the navall officers on the Western Shoare to acco with him, and therefore could give no acct to us since the 1st of Iune 1697, thereupon we ꝑused the act entitled an act for the Imposition of 4d ꝑ Gallon on Liquors Imported into this province, and therein find it enacted that the said four pence ꝑ Gallon shall be collected by the navall officers and they to render an acco once a year to the Publick Treasury and the Treasurers to render an acco to the assembly who should have the dispensing of the Same. wee Likewise ꝑused the Act Entitled an act Imposeing the duty of Ten ꝑ cent on all European Comodityes Exported p. 253 out of this Province and that the money ariseing thereupon to be accounted for as the 4d ꝑ Gallon.

Wee alsoe ꝑused the Act entitled an Act for laying an Imposition on Negroes, Slaves and white servants Imported into this province which money so arising was to be accounted for in the same manner. And finding by the said acct that the navall officers are to acco with the Treasurers, wee make our humble address to your Excy not by any wayes or means to enfringe or frustrate the afd Acts and that your Excy will be so pleased to Suffer and ꝑmitt the Severall Navall officers within this province to render their accompts to the said Treasrs according to the directions of the afsd Acts, and that your Excy will be pleased so far to capacitate the said Robert Mason that he may be able to render his acco to this house this present Sessions according to the True Intent and meaning of the afd recited acts.

And further wee humbly address your Excy that all the severall sumes accrueing and growing due upon the Severall afsd acco may be disposed of towards the defraying of the Publick charge of this Province and enlightening the burthen

L. H. J. frome the poor of the same in the publick Leavy excepting all such Severall sum̄es which by law are appropriated to and for the use of the free schoole.

Signed by order
C Gregory cłk: house of Delegates.

The house adjourned till one a Clock.

Eod Die the house mett, and were absent as before.

M^r^ Sharpes peticōn read viz^t^

To the hon^ble^ the Delegates and Burgesses now assembled at the port of Annapolis.

The humble peticōn of W^m^ Sharpe of Talbott County Merch^t^

Humbly Sheweth.

That your peticon^r^ haveing four Servant Women sent by one in Virg^a^ to convey them to M^r^ George Hutchison in Pennsilvania and because yo^r^ pet^r^ would not do any thing but what should be allowable in Law, he therefore made report to the officers appointed for the same, but the officer upon that report made, detained the s^d^ Servants, till he should be paid ten ꝑ cent for the value of the s^d^ Serv^ts^ which was by the s^d^ pet^r^ accordingly Complyed with he pretending to demand and require the same by virtue of the act of assembly of this province, whereas these were Servants that were bought in Virg^a^ and only sent the nearest way to pennsilvania not brought out of England to transport through this province, nor are they as your pet^r^ is advised such goods and manufactures as is p. 254 Expressed or Intended by the s^d^ Act and therefore ought not to pay that Duty.

Your pet^r^ therefore humbly prayes this Gen^ll^ Assembly's Iudgm^t^ whether Ten ꝑ cent is Included or Intended to be Included in the said act for servants only travelling through this province as afs^d^ and if it is not to be paid the officer may be ordered to reimburse the same to your petioner.

And as in duty bound he shall ever pray &c.

It is the opinion of this house that the said Serv^ts^ are not within the tenor or ꝑveiwe of that act of Assembly if his Ex^cy^ and Councill shall concurr there^wt^

C Gregory Cłk: house of Delegates.

This board concurr with the opinion of the house though they think the officer did any thing but his duty therein

W Bladen Cłk: of Councill.

The address to his Ex^{cy} and Councill for redressing of aggreivances was read. L. H. J.

To his Ex^{cy} Francis Nicholson Esq. Cap^{t} Gen^{ll} and Gov^{r} in cheife in and over his Mat^{ys} province and Territory of Maryland and the Hon^{ble} Councill.

The humble address of the house of Delegates.

May it please your Ex^{cy}

Whereas his Matj^{tis} out of his princely care to know how his Subjects in these remote parts are Governed has comanded that as well a Iournall of the house of Delegates as of his Councill be sent to the Lords of the Councill for trade and plantacōns.

1. That your Ex^{cy} would grant that this house may cause a copy to be Transcribed dureing the Sessions and sealed and sent by the house to prevent all Jealousies and Suspicions of having our Letters, addresses and publick acts changed or altered through the mistake or deficiency of Clarks in transcribing or otherwise.

2. That whereas your Ex^{cy} hath been often pleased to promise to mantaine our Just and Lawfull rights and priviledges.

Wee therefore humbly implore your Ex^{cy} that neither Implicitely or Expressly to menace, deter, or over awe the house or any member thereof from freely debateing matters in this house and humbly desire your Ex^{cy} to apprehend and thinke we are his Maj^{ties} dutifull and Loyall Subjects.

3. That no member of the house be declared Malignant, or comanded before the Councill nor any other wayes disturbed or sum̄oned by his Maty^{ties} writt of venire for their free speaking in the house as long as they keep themselves within their duty to his Maj^{ty} nor that your Ex^{cy} would trouble any member for any Sly Secret or Comonly false report of any thing done in the house but only take notice of what is reported from the house and noe further.

4. That your Ex^{cy} would receive into your Speciall protection all such Gen^{tn} as for no reward Serve his Maty: in the office of Justice of peace and other officers and not suffer them to be troubled upon obsolete Laws or otherwise unjustly, and nothing proved against them. p. 255

5. And that your Ex^{cy} would abstaine from calling the clks of the Comittees upon oath to discover all done in their Comittees.

6. And whereas Juryes are always accounted an Especiall Bulwarke to protect our liberties and priviledges from Arbitrary Govenm^{t}

L. H. J. We therefore make our humble addresses that no Juryes may be unjustly vexed, Menanced, overawed or detered for or from freely giveing their virdict according to their conscience and duty nor bound in any recognizances for the peace or unjustly prosecuted for so doing but that they may have freedome and Liberty freely and clearly to give their verdict without any apprehensions of fear or danger and be saved harmless for the same unless they may justly by law be attainted and that all Jurors now at present under such recognizances and prosecuted for the causes aforesd may be discharged of such recognizances, and that such prosecution may cease.

And that this house and the whole province being assured of your Excys Justice in haveing these our Just aggreivances redresst. May more heartily and Sincerely Ioyne in the perfecting the business of this province both for the honr of his Majty and the benefit of all his good and liege people of the same.

Signed by Order
C Gregory Cłk: house of Delegates.

Put to the vote of the said addresses shall be sent or not. Carried in the affirmative.

Ordered that Mr Iames Saunders, Mr Michl Miller, Mr Elisha Hall, Collo Iames Smallwood, Mr Thomas Staley, Mr Edward Lloyd Mr Francis Ienkins, Mr Walter Cambell, Mr Wm Harris and Collo Ninian Beale carry the afsd bills and addresses to his Excy and Councill.

The peticōn of the Crs of Samll Withers, read and refferred till the next Sessions of Assembly.

Ordered that Mr Edward Lloyd give notice to Dr Iames Benson Exr of the said Samll Withers that he be and appear at the next Sessions of Assembly to answer to the said peticon.

Mr Iames Saunders and the rest of the members, returne and say they have delivered their Message.

The honble Thos Tench Esqr and Coll: Addison enter the house and Mr Tench informs Mr Speaker that his Excy in his Matys name comanded him and the whole house to attend on him Imediately.

Mr Speaker and the whole house go down to the Councill p. 256 Chamber where the house was called over, and Capt Waughop, Mr Moreland Major Hamond, Capt Hill, Mr Young, Mr Crauford, Capt Hoskins, Mr Benjn Hall, Mr Ashman, Mr Ferry, Mr Hemsley, Doctor Lookerman, Mr Hutchison and Major Barton were absent.

His Excy ordered the Message sent by Major Lowe &c. to be read by the cłk: of the Councill to which his Excy delivered Mr Speaker the answer.

His Ex^{cy} ordered the address for the redressing the aggreivances to be read which was accordingly done. L. H. J.

To the first Article of which his Ex^{cy} was pleased to recom̄end to the house that if they would appoint some members of the house his Ex^{cy} would appoint some of the Councill to examine and Seale up the Iournalls every night.

His Ex^{cy} was pleased in his Maj^{ties} name to com̄and the cłk: of the house to produce the originall ruff draught of the Iournall of this house this Sessions which he accordingly did.

Whereupon his Ex^{cy} was pleased to give the said Cłk: an oath for the true reading thereof and ordered the Same to be read, upon reading of which his Ex^{cy} was pleased to remarke.

That upon a mocōn made in the house of M^{r} Speakers which he ordered to be raised out and put in (a mem^{o}) that the Speaker of the house of Com̄ons in England ought not to make any mocōn nor propose any thing in the house.

Upon reading the houses answer to his Ex^{cys} proposall for a gen^{ll} pardone his Ex^{cy} was pleased to remarke that since this house had refused such offer, that his Ex^{cy} must be forced to putt in execution the forfeited navigation Bonds, which being read was ordered to be Sealed, which accordingly was done.

His Ex^{cy} ordered the Clk: of the Councill to proceed in reading the afs^{d} Address which his Ex^{cy} was pleased to remarke as follows.

1. That M^{r} Speaker ought to have signed the address, and sending it without signing was not a parliamentary way of proceeding.

2. (As to Malignants) his Ex^{cy} is pleased to say that he shall not admitt the Delegates to be above the law but to be punishable for offences against the Law.

3. (relating to the protection of Justices of peace) the law obliges them to returne their accompts, and that he is obliged to punish all offences that are against the Laws.

4. (from abstaining from Swearing the Cłks of the Comittees) that the house of com̄ons of England are so open in their parliament that they cause their votes to be printed every day.

5. (As to Juryes) The punishment by the Laws of England are very severe ag^{t} those that are attaint.

6. That he had sent for them so soone to shew his Inocence P. 257 of what they charged on him and to take away all the apprehensions they might have of his guilt in prolonging the time to Study an Evasion, and thereupon orders them to returne to their house.

M^{r} Speaker and the house returne and M^{r} Speaker having taken the chaire. The house adjournes till to morrow morning Eight of Clock.

L. H. J. Dies Martis. Novr the 8t 1698.

The house mett againe and were called over, Capt Tho: Waughop, Mr Philip Clarke, Capt Philip Hoskins, Mr Benjn Hall, Mr Geo: Ashman, Mr Iohn Ferry and Mr Wm Hemsley being absent. Mr William Hemsley enters the house.

Read Mrs Lewellins peticōn for 18000lb of Tobo due for her husbands Sallery as cłk: of the Councill.

Referred to the Comittee of accs to be allowed if not already paid.

Read Mr Feilders peticōn for allowance for making the modell of the Church and drawing Severall draughts of the Same.

Referred to the Comittee of accounts to allow him 5ls Sterl:

The honble Thomas Brookes Esq. and Iames Frisby Esq. enter the house and informe Mr Speaker that his Excy Com̄ands him and the whole house to attend him and the Councill Imediately.

Mr Bladen Cłk: of his Majties honble Councill enters the house and informs the Cłk: of this house that his Excy in his Majties name comands him to bring the Iournall last night Sealed up before his Excy and Councill.

Mr Speaker and the house go to the Councill Chamber

Att the Councill Chamber the house was called over, and the persons aforenamed were absent.

His Excy was pleased to order the clk: of the Councill to read the address of this house on behalfe of Mr Robert Mason, upon which his Excy was pleased to remarke.

1. The cause of his suspending Mr Robert Mason from Executing the office of Treasr was that because he was found Guilty by the Grand Jury of this province of a notorious Crime and for which he was indicted and by his own Confession acknowledged himselfe Guilty. Wherefore he thinks that he has in no wayes infringed the Laws of this province for that upon such occasions the power was Invested him when the officers had by any means Incapacitated themselves for to appoint others.

2. That as he governs this Country by Com̄ission from his most sacred Majty King William the third to whose Laws we all pay reverence and obedience, that in obedience to an order he recd from their Excys The Lords of the Councill for Trade
p. 258 and plantations he had sent to the said Mason to Com̄and him to send his acco which he had refused to do for a considerable time and when he did send his acco that he had over charged the Country 50l Sterl:

3. That no money had been demanded of him nor appropriated to any other use then what had been allowed of by the

assembly notwithstanding had not been nor was paid to this L. H. J. day.

4. That he had the Experience to his Sorrow what it was to find a Country without fund whereby to Support them ; and therefore according to his promise would consent that halfe the Countryes Stock now in Bank should be appropriated toward the defraying the publick charge this year.

5. That his Maj^{tys} Councill had answered their address on behalfe of M^{r} Clarke, and that it was his duty to vindicate the honour of the Kings Government.

6. That if the house would appoint a Comittee to write Journalls, that they might write as many as they pleased and send provided that they that write them would Sign them for that he looked upon Records Especially the records of Supream Authority next to the divine Laws to be Sacred and that he hoped he had showne his veneracōn towards them Sufficiently by his care in their conveyance from S^{t} Marys and the preservacōn of them since they have been here.

And therefore recomends to this house to make a severe Law against any person that shall raze or alter a Record, that he is but a Sojourner amongst us during his Maj^{ties} pleasure, but the Benefitt of such an Act would devolve to our posterity.

7. All Rebellions were begun in all Kingdomes and States by scandalizeing and makeing odious the ꝑsons in authority where they were. Kingdomes by Callumniateing their prince and Lawfull Sovereigne where comon wealth by rendring odious the Government and in Collonyes where they were Gov^{rs} representing them Scandalous as for Instance the late rebellion in Virg^{a} by Bacon &c.

8. That he admires this province should contemn and slight the Kings gracious pardon which the Lords and Com̄ons in Parliament of England have so humbly and thankfully accepted of.

9. He recomends to them that they will proceed both in the Kings and Countrys business the ꝑticular cause for which they now mett.

The hon^{ble} Henry Iowles Chancell^{r} Informs the house that the bills last night sent were read, and would be sent downe Imediately.

M^{r} Speaker and the house returne to the Stad^{t} house, where M^{r} Speaker having taken the chair, was read the following message Viz^{t}

By the honble his Maj^{tys} Councill &c.

Gent. The Message of your house of the 29th day of p. 259 October by Major Low and other members have been here

L. H. J. deliberated and maturely weighed and it is wished you had considered it as well before you sent it.

You say that upon your application for Philip Clarkes release you were prorogued so that you undertake to assigne the reason of the Gov^{r} proroguing you, but the reason of your prorogacōn is a secret of his Maj^{ties} and believe never yet discovered to you.

You say that the Gov^{r} prorogued you, but it seems by your Iournall you thought that not sufficient and therefore undertooke to prorogue yourselves.

Its recomended to your Consideracōn whether thereby you have not done more then ever any house of com̄ons did and showne your great Contempt of his Maj^{ties} Authority.

You say you think it your duty to Insist of having M^{r} Clarke released and come to your house.

Gent: You cannot be Ignorant of the crime M^{r} Clarke's convicted of namely the breach of an Act of Assembly made for preservacōn of the peace of this province by him most notoriously violated and for which he remaines under the sentence of the Court for six months Imprison^{t} as part of the punishment due by the said Law and his conviction was by due process of Law in his Maty^{ties} provinciall Court of this province, by the Oaths of a grand and petit Jury and Judgm^{t} of the Court and by meanes of which he remaines his Maj^{tys} prisoner Convict as afor^{sd} from which without his Maty^{ties} Mercy or reversing the said Iudgm^{t} we know no way to Releive him, and we do not thinke it your priviledge to release him or for his Maj^{tys} Service or your creditt to have him with you and we beleive no house of com̄ons ever attempted any such thing and if you had considered your duty with your priviledge you would not have offerred it nor have said he stands rightly Qualified in your opinion.

But above all Gent: Your familarity and pretended Equallity with the Right hon^{ble} the house of Com̄ons in England is enough to provoke and surprize us at once.

We take the Government of this Province in its farest and Largest Extent to be a power derived from and depending on his Maj^{ty} the King of England, by whose Laws we are bound, and to whose sacred Authority we pay reverence and obedience, and although we have the hon^{r} to be of his Maj^{ties} Councill of this province yett we are far from pretending to that R^{t} hon^{ble} house of Lords or R^{t} hon^{ble} house of com̄ons in England, and how you came to pretend to it we know nott.

We do not desire you should be abridged of the least priviledge belonging to you, but when you demands are better

Tempored with Justice or modesty they will better become you to aske, or his Majestys Governor to grant. L. H. J. p. 260

Henry Jowles chair^{n} John Addison
Charles Hutchins Thom^{s} Brookes
Thomas Tench, James Frisby.

Moved by a member of this house whether it might not be necessary that an address be drawn up to his Ex^{cy} and Councill to Informe them of the misapprehenson they have of this house as being accessary's or any wayes favouring to Sly or Cood.

Moved by a member of this house whether it might not be necessary to address his Ex^{cy} to nominate what certaine sume he will be pleased shall be allowed out of the publick banke towards the defraying the Publick charge.

Resolved that two such addresses be drawn and ordered that M^{r} Edward Lloyd and M^{r} Simon Willmore draw up two such addresses.

The house adjournes till one a Clock.

Eod die. The house mett againe and were present as before

The Bill Explaining the clause in the latter part of the act Entitled an Act for secureing Exors and admrs from double paying of Debts and Limitting the time of paym^{t} of Bonds and obligations within this province being referred from his Maj^{tys} hon^{ble} Councill to this house for Amendm^{t} was read.

Put to the vote if such amendm^{t} shall be incerted and the act then pass or not. Carried in the affirmative.

A Bill Impowering M^{r} W^{m} Coursey and Eliz^{a} his wife or the Surv^{r} of them to sell and acknowledge severall tracts of Land left by Coll^{o} Vincent Lowe by his will to be sold and disposed of referred by his Maty^{ts} honble Councill for amendm^{ts} to put in their heirs or the Heirs of either of them or their Ex^{rs}

This house cannot consent to the amending of the same, for that the Intent of this act was for to give them no greater Liberty than Coll^{o} Lowe had given his Ex^{rs} for that it might prove a delay of the Sale of such lands, and by that means retard the payment of his Debts, and debarr the heirs of Coll^{o} Lowe from their claime.

By his Ex^{cy} the Gov^{r} and Councill Nov^{r} the 2^{d} 1698.

Whereas many ꝑsons much indebted to the good people of this province die leaving little or no personall Estate wherewithall to satisfy their just debts, yett at the same time die

L. H. J. possest of diverse tracts of Land of Considerable value by the sale whereof the creditors may be justly Satisfied, and for that it is so tedious and chargeable a method to sue extents upon the same, it would be of great advantage to the Country, that an Act were made to Subject such persons Lands to sale for p. 261 the paym^t^ of their debts as afs^d^ where no ꝑsonall Estate is found to answer the same. Alsoe it would induce Merch^ts^ and other Traders to give more credit to the freeholders upon that securety when their Lands are liable to answer upon Default of assetts in their Exors or admr^s^ hands the good effect whereof is dayly experienced in Pensilvania.

Signed by Order
W Bladen Clk: Councill.

The Consideracōn of the afor^d^ proposall is referred untill the next Sessions of Assembly.

A Bill for regulating Marriages and Granting marriage Licenses within this province, read the first time, and referred to the Comittee of Laws to Inspect and make report what they shall think fitt to be amended therein.

A Bill for the advancem^t^ of Learning and promotion of his Maj^ties^ Schools of Maryland read the first time and referred as before.

M^r^ Edward Lloyd and M^r^ Simon Willmore bring in the two addresses Ordered by them to be drawne up ordered the same be read.

Ordered that the two addresses be amended and that M^r^ Edward Lloyd and M^r^ Wilmore amend the same, and bring them in to Morrow Morn^g^

A Bill for ascertaining the bounds of a certaine Tract of Land belonging to the Nantecoake Indians, read the 2^d^ time.

Put to the vote if the said Bill should pass. Carried in the affirmative.

Put to the vote if the bill for Settleing the bounds of Land being read should be read the second time, or referred to the next Sessions of Assembly.

Carried for referring to the next Sessions of Assembly.

Resolved that the said bill and the examples be lodged in the assembly office, and be considered of the first business the next Sessions.

The Bill for the conveying L^rs^ &^t^ referred from the Councill for amend^t^ was referred to the comittee of Laws for Amendm^t^

The Bill ag^t^ curseing and swearing &c: referred as af^d^

The Bill ag^t^ privateers and pyrates being referred from his Maj^tys^ hon^ble^ Councill for Amendm^t^ this house say they cannot consent to the altering thereof.

The Bill relateing to the Coole Springs, being in like manner referred, this house does consent for two of the Councill and more Trustees be incerted but for further provision for Entertainment of the poore, it is referred to the next Sessions of Assembly. L. H. J.

The Bill Impowering the Vestrymen &c. referred to the Comittee to amend as required. Mr Ias Crauford having ugt occassion has liberty to go home.

The house adjournes till to Morrow morning Eight of Clock.

Dies Mercurij Novb 9th 1698.

The house mett againe, and were absent, Mr Philip Clarke, Mr Iames Crauford, Capt Philip Hoskins, Mr Benja Hall, Mr p. 262
George Ashman, Mr Iohn Ferry.

Read the Message last night sent by Major Dent his Majtys Attny Genll

By his Majtys Honble Councill Novr the 8th 1698.

Gent: Your Message last night by Majr Saundr and others which you call an address has been recomended by his Excy to our Consideracōn how clearly his Excy has acquited his conduct and ꝑson from these Impositions so unfairly insinuated we are fully Satisfied and so we believe are all unprejudiced minds and these who are not we shall not be carefull to Satisfie but as to your Message.

It is very true Gent the King has comanded that Iournalls as well of the house of Delegates as of the Councill shall be transmitted to his Matyty but this comand is laid by his Maty: on his Excy the Govr who hath duly and constantly ꝑformed the same but if his Maty: hath since laid the Charge on your Speaker or house and to acquitt his Excy of it. pray shew it that obedience may be paid to it otherwise we cannot advise his Excy to desert the charge or Delegate it on others.

As for your pretended Jealosies of cłks: and others we understand not your Riddles and darke sayings we would have you to Speake plaine and Intelligent, and if you know of any Cłks: or others that have Injured you therein lett us know and wee will take care to Impeach and punish them.

Your second and third articles are much of one nature wherein you desire his Excy may not deter or overawe the house from freely debating matters and that no member be called before the House or sent for.

Wee admire you will not speake plaine and shew when and where how and in what his Excy hath so dealt with any members of your house, otherwise you seem afraid of Invisible nothings and are not capable of a Remedy.

L. H. J. Gent^{r} If any man has or does desire freedome to Debate at Randome without any regard to the Dignity of his Maty^{tie} and hon^{r} of his Gov^{rnt} and under the nature of priviledge to arraigne prerogative you cannot Expect but that his Ex^{cy} will deter such from their practices in order to prevent their punishment, nor can we in hon^{r} or in duty advise otherwise.

In your fourth Article you desire would receive into his protection the Justices of peace and those that serve his Maj^{ty} for no reward.

You seem to intimate by this that the Justices are all out Lawed for all other ꝑsons are under his Maj^{tis} protection, and his Ex^{cy} has never restrained that protection either to Justices or others so long as they carry themselves in dutifull obedience to his Maty^{y} and his Laws.

Its true there has been severall Iustices lately Questioned p. 263 for Leavying Tob^{o} on his Maj^{tys} Subjects Contrary to Law some of whome appeared inocent and were discharged and others manefestly Guilty.

And are you in Earnest aggreived that those were Questioned for their misfeazance and the Country reimbursed the Tob^{o} so wrongfully taken from them, or must none be questioned though upon never so strong grounds but such as are before hand proved Guilty.

We are sorry to find such an Arbitrary Temp^{r} as Reigns in some of you and that you can so easily disguise and Impose it on others.

To Your fifth article desireing his Ex^{cy} to abstaine from calling the cłks: of your Comittees (the cłks: of the house you mean) upon Oath to discover all done in it &c. You may be sure we se through this disguise and ꝑfectly understand what you drive att. Why all this trouble and care to keep your words and actions in the Darke, will not they endure the light, if in your consultacōns you proceed upon the rules of hon^{r} and honestly, which in your Station you ought, what matter who knows it.

But if under the pretence of serving your King and Country in this Eminent Station, you are any of you manageing base designes ag^{t} his Maj^{tys} Governm^{t} and the Country, why should not such thereby be detected and others thereby cautioned, but it is plaine you would not have your words and Actions knowne which is enough to cause suspicion, and its much unlike those hon^{ble} Gent^{n} who you would equalize yo^{r}selves wth the house of Com̄ons who dayly make publick their votes and proceedings.

Your sixth article ab^{t} Jury's which you say is a Bulwarke ag^{t} Arbitrary Governm^{ts} and pray that no Jury's may at any

L. H. J. time be Troubled, Menaced &c. for giving their virdict according to their consciences &c. nor bound to answer &c. and those Juro^{rs} that are bound to answer may be discharged, this is some thing of the same nature of your requests ab^{t} Justices the Substance of which is that both may do as they please without being subject to answer their Errors or Misfeazance. And it is your aggreivance that the Kings Governm^{t} does not suffer it, what is this but to remove the Kings Governm^{t} and to place it in those hands und^{r} your conduct and Guidance, for it seems you would not have them subject to answer, but when where and for what you direct.

No Gents: we are sworne to serve his Maj^{ty} and do our utmost to preserve the peace and Quiett of this Province and that consists as well in being a Terror to Evill doers, as a praise to them that do well, and this we intend maugre all opposition or pretended aggrievances.

And with what Colour or pretence you can demand to have those Iurors now bound to answer discharged when you do not know whether they are Guilty or not, and before any Tryall had of what they are charged.

We cannot Imagine nor you cannot acc^{t} for we are sure. p. 264

Thus Gent: We having taken more pains then your message deserved to give you an answer to it and it is only for the sake of many honest and Loyall Gent^{n} belonging to your house who are apt to creditt others who are not so well disposed such as it seems by this paper are aggreived.

1. That the Gov^{r} sends home the Journalls &c. as he is comanded, and did not trust them with it.
2. Those that are aggreved he will not suffer them to abuse, detract or vilifie his Ma^{tys} Authority and Government when they please in their debates.
3. That the Gov^{r} should expose to publick any that have proved Malignant disturbers of the peace and Quiett of this province and openly Scandalous.
4. That his Ex^{cy} will not suffer the Justices to impose what Taxes they please on his Mat^{ys} Subjects.
5. That he will demand and have acc^{t} from the Clks: of the proceedings in the house and Comittees.
6. That his Ex^{cy} should suffer the Law to be put in Execution ag^{t} Iurors suspected of ꝑjury and falce verdict.

But those we believe are only ꝑtensions, it is in reallity the Kings Government they are aggreved att. And may they either convert to their obedience or long rem^{a} so aggreved.

It is not to be doubted but the Province may Lab^{r} und^{r} sev^{ll} aggrevances such as the Letting fall Severall Temporary Laws by which the country reapt great benefitt spending so

L. H. J. much time and Treas^{r} as now hath been in doing very little settling the disputes dayly ariseing ab^{t} the bounds of Land, settling the matter between the Lord Baltemore and his Maj^{tys} Subjects here about the Conditions of Plantations &c. and many other things of like nature which would better become your care and time.

So desireing you seriously to consider what you have done and what you have and ought to do we bid you farewell.

Henry Iowles chan^{r} John Addison
Charles Hutchins Thomas Brookes
Thomas Tench Iames Frisby.

Resolved by this house that they will receive no new Messages or any new matter but proceed to finish and compleat such business as now Lyes before them and to lay the publick Leavy dureing this Sessions.

The Comittee for Inspecting the publick acc^{ts} of this province ꝑ^{r}sent their Journall which was ordered to be read, and was accordingly read.

Ordered that the s^{d} Comittee carry the s^{d} Iournall to his Ex^{cy} and Councill.

p. 265 M^{r} W^{m} Dent Att^{ry} Gen^{lls} peticōn praying allowance for attending on the Councill this sessions.

Put to the vote if he shall be allowed or not.

Carried Nemine Contradicente in the negative.

Moved by Coll^{o} Iohn Thompson, that this house would make some resolve for the Concludeing a peace with the Indians at the head of the bay.

Referred to his Ex^{cys} prudence and Conduct to the making peace with the Susquahannochs and Shoetoroetoes alias naked Indians as he in his Wisdome shall thinke fitt.

Bill Impowering M^{r} W^{m} Coursey and Eliz^{a} his wife to sell Lands &c.

Bill for preventing pyrates and privateers
Bill explaining part of an Act Entitled an Act for secureing Exors and adm^{rs}
Bill Impowering Trustees to purchase Land for the Coole Springs &c
being referred for amend^{t} were amended and read

Bill for preventing Sherriffes sumoning Delegates &c: as Iurors read the second time.

Bill for repealing the Act ascertaining the bounds of Land for the Nanticoake Indians read the 2^{d} time.

Bill for repealing an Act Entitled an Act for defraying the publicke charge of this province read the 2^{d} time.

Ordered that Major Thomas Smith Coll^{o} John Thompson and M^{r} Iohn Hall carry the said bills to his Ex^{cy} and Councill.

M^{r} W^{m} Bladen Clk: of his Maj^{tys} hon^{ble} Councill bring into the house Severall bills that were sent to his Ex^{cy} and Councill and sayes will pass. L. H. J.

The Comittee of Laws presents the Severall bills referred to them for amendm^{ts} and what other bills lay before them which was read.

A Bill for the more Effectuall suppressing of curseing and Swearing comitted for amendm^{t} was read.

A Bill appointing how publick officers shall recover their dues accrueing by their offices read the 2^{d} time.

A Bill for Conveying of L^{rs} &c Comitted for amendmen^{t} was read

A Bill for regulating Marriages and granting Marriage Licences, being read the second time.

This house does conceive that when Doct: Bray arrives in Quality of a Suffragan Bishop the right of Marriage License will properly belong to him.

A Bill for advancem^{t} of learning and promocōn of his Mat^{ys} ffree Schools of Maryland, being read the second time it is remarked.

1. That it would be necessary that a clause be Incerted to save the Clayme of the Lawfull heirs of Iohn Perry.

2. That the pap^{r} mentioned in the said act and said to be annexed did not appear before the house.

3. That although this house have made a Salvo for the heirs of Iohn Perry they are not willing or consenting to do the same to the heirs of Anthony Workman. p. 266

4. That in the blanke left for time your Ex^{cy} will put in so long time as to your Ex^{cy} shall seem convenient.

Ordered that Major Thomas Smith, M^{r} Iohn Hall, Col: Iohn Thompson Major Ennalls, Maj^{r} Barton and M^{r} Tilghman carry the said Bills to his Ex^{cys} and Councill.

The house adjournes till tomorrow Morning Eight of Clock.

Dies Iovis Nov^{r} the Tenth 1698.

The house mett againe and were called over, Absent M^{r} Philip Clarke, M^{r} Iames Crauford, Cap^{t} Philip Hoskins, M^{r} Benj^{a} Hall M^{r} Geo: Ashman M^{r} Iohn Ferry and M^{r} Edward Lloyd.

The hon^{ble} Coll^{o} Iohn Addison and Thomas Brookes Esq^{r} enter the house and returne the bills last night sent and the Iournall of the Comittee of acc^{o} assented to by his Ex^{cy} and Councill.

A Bill Impowering M^{r} W^{m} Coursey and Eliz^{a} his wife &c: read the third time and passed for engrossing.

A Bill for preventing Sherrifes from sumoning Delegates

L. H. J. and Justices to Serve as Iurors, read the 3d time and passed for Engrossing.

A Bill Impowering Trustees to purchase Lands for the use of the Coole Springs read the 3d time and passed for Engrossing.

A Bill for ascertaineing the bounds of the Nantecoake Indians, read the third time and past for Engrossing.

A Bill appointing how publick Officers shall recovr their dues referred to the Comittee of Laws for Amendmt

A Bill Impowering the vestrymen &c to assess the parishoners &c. read the 3d time and past for Engrossing.

A Bill for conveying Lres &c read the 3d time and past for Engrossing.

A Bill agt Curseing and Swearing, read the 3d time and past for Engrossing.

A Bill for regulating Marriages and granting Marriage Licenses being recomended to this house.

This house does conceive for as much as Dr Bray hath been long expected in this province but is not yet arrived that such Settlemt be deferred till he arrives.

A Bill for Investing Iohn Gadesby &c. read twice

The house adjournes till one a Clock.

Eod die: The house mett againe and were called over and were absent as before, as alsoe Wm Hutchison and Wm Barton.

By the house of Delegates Novr the 10th 1698.

Ordered that Mr Thomas Hicks, Major Iohn Lowe and Mr p. 267 John Bozman be appointed to Joyne with two of the honble Councill whom his Excy shall appoint to Consult and agree of what Timber to make the roofe of the church.

Ordered that the said ꝑsons carry the sd Message to his Excy and Councill.

The honble Collo Iohn Addison and Thomas Brookes Esqr enter the house and deliver Mr Speaker the following message

By his Excy the Govr and Councill in Assembly
Novr 9th 1698.

As to the bill proposed to repeale the Act for the Imposition upon officers, it is thought adviseable that the sd Bill Expire of it selfe which will be shortly neither is it usuall for Laws to looke backward and remitt what is already done, likewise his

Ex^{cy} is willing there should be some Tobacco as well as money in Banke L. H. J.

Signed ꝑ order
W Bladen Clk: Councill.

A Bill Investing Iohn Gadesby with Lands &c. a bill concerning marriage Licenses and M^{r} Dents peticōn being rejected, were prepared to be sent to his Ex^{cy} and Councill.

Ordered that Major Thomas Ennalls, M^{r} Iohn Leech, M^{r} Iacob Moreland and M^{r} Walter Cambell Carry the s^{d} Bills. who accordingly went.

They returne and say they delivered their message.

The Comittee of Laws brought in the Bill comitted to them for amendm^{t} Cap^{t} Rich^{d} Hill brings into the house the Laws newly Transcribed and margented for the houses veiwe.

The hon^{ble} Thomas Tench and Iames Frisby Esq. enter the house and deliver the following Message.

By his Ex^{cy} the Gov^{r} and Councill in Assembly
Nov^{r} the 10th 1698.

For as much as the Gent^{n} of the Comittee for settleing the publick revenue have made report, that it is so Intricate that they can't finish the same this Sessions, his Ex^{cy} is willing that Eight hundred pounds includeing what is already and what is to be allowed in money, should be defrayed towards easing the Publick Leavy. though by rough computation it is more than halfe the publick banke, provided it be paid at 4$^{£}$ ꝑ 1000^{lbs} of Tobacco.

And the hon^{ble} Coll^{o} Henry Iowles and Thomas Tench Esq: are appointed to Joyne with such of the houses members, as they shall think fitt to nominate to State the said Revenue, and se it fairly Transcribed in a Booke for that purpose, the neglect or omision whereof will be a great reflection to the Country that acc^{t} of such moment should lye so confused.

Signed by Order.
W Bladen Ck: Councill.

Recomended by the Gent: upon this message sent to veiwe the said and ꝑuse the acc^{t} herewith sent and allow the prime cost.

Resolved that the publick Tob^{o} to be paid in money at 4$^{£}$ ꝑ Thousand p^{ds} Tob^{o} according to the af^{d} proposalls.

Ordered Maj^{r} Iohn Hamond, Cap^{t} Rich^{d} Hill and M^{r} Sam^{ll} Young be Joyned with the hon^{ble} Coll^{o} Henry Iowles and Thomas Tench Esq. to State the Revenue and that they have p. 268

L. H. J. authority to call before them all such officers as they shall se convenient.

By the house of Delegates Nov^r^ 10^th^ 1698.

The message by the hon^ble^ Tho^s^ Tench and Iames Frisby Esq^r^ of even date was here rec^d^

And as to the Eight hundred pounds which your Ex^cy^ and Councill are pleased, to apply towards the defraying of the publicke charge this house does concur to be paid at the price therein proposed.

And as to the appointment of some of the members of this house to Joyne with the Hon^ble^ Coll^o^ Henry Iowles and Thomas Tench Esq^r^ in order to State the Revenue, this house has appointed Maj^r^ Iohn Hamond, Capt^t^ Rich^d^ Hill, and M^r^ Sam^ll^ Younge, and have given them power and authority to call before them all such officers as they shall se convenient to which power we pray your Ex^cy^ and Councills concurrence.

Signed ꝑ order
C Gregory Ck: house of Del.

Ordered that M^r^ Iacob Moreland, and D^r^ Iacob Lookerman carry the af^d^ Message to his Ex^cy^ and Councill.

They returne and say they delivered their Message.

This house takeing into Consideration the Bill for the promotion of Learning and advancem^t^ of his Maty^s^ free schools of Maryland, it was proposed whether the passing such a Law did not take away the Lord Baltemores right in the Escheating the Land of Iohn Perry upon the non-appearance of any heirs.

Moved by a member of this house that it would be proper that M^r^ Carroll who is the L^d^ prop^rys^ agent should be sent for to shew what reasons he has to the Contrary.

Ordered that M^r^ Iames Saunders give notice to the said M^r^ Carroll to appear.

M^r^ Carroll Enters the house. proposed to M^r^ Carroll what he can say why such an Act should not pass or what he can say on behalfe of the L^d^ prop^ry^ Who makes answer that the right of Escheat lyes in my Lord Baltemore as Lord of the soile, but that he believes that if application were made to my Lord Baltemore and sett forth the use that the said house should be appropriated to, it might prove a good reason to induce his L^d^shipp: to bestow the same thereon.

Who is ordered to withdraw.

The Comittee appointed to Consult of what Timber to make the roofe of the Church present the following Report.

Wee the Comittee are of opinion that yellow pine with the Sap out of it may be as proper as any wood. Oake being apt to cast and to put the worke out of frayme. L. H. J.

Assented to by his Ex^cy and Councill. p. 269

W Bladen Ck: Councill.

By the House of Delegates Nov^r 10^th 1698.

This house have considered the Bill Entitled an Act for promocōn of Learning and advancement of his Maty^s ffree Schoole of Maryland.

And that whereas the s^d Perry died Intestate the Lord Baltemore as being Lord of the ffees may lay claime thereto therefore as to the whole matter ab^t M^r Perry's Lett^ry. We humbly pray your Ex^cy and Councill that it may be omitted untill address be made for his L^dpp: the Lord proprietarys Concurrence therein, but as to the rem^a part of the act this house is willing to pass if your Ex^cy and Councill shall thinke fitt.

Signed ꝑ order.
C Gregory Ck: house of Delegates.

Put to the vote if the bill regulating Marriage &c shall be amended or wholly rejected. Carried by the majority of voices that it be rejected.

By the house of Delegates Nov^r the 10^th 1698.

Whereas his Ex^cy and Councill has been pleased to grant that Eight hundred pounds Sterl: out of the publick Stock of this Province shall be applied towards the defraying the publick charge of this province to be paid at 4^d Sterl: at 1000^lb Tobacco.

It is recomended to the Councill whether they will have their whole allowance in money or shall be appropriated according to the seve^ll sumes of Tob^o to be paid in the Publick Leavy and for such of the hon^ble Councill as will be willing to have all theire allowance in money that they will be pleased to signifie the same to this house

Signed ꝑ order.
C: Gregory Ck: house of Delegates.

Ordered that Coll^o Edward Loyd, M^r Iohn Hall, M^r Walter Lane, Maj^r Iohn Lowe, M^r Elisha Hall, and M^r Iohn Carvile Carry the af^d Messages to his Ex^cy and Councill.

The house adjournes till to Morrow Morning Eight of clock.

L. H. J. Dies Veneris Nov^r^ the 11th 1698

The house mett againe and were called over, and were absent Cap^t^ Th^o^ Waughop, M^r^ Philip Clarke, M^r^ Iames Crauford, Cap^t^ Philip Hoskins, M^r^ Benj^n^ Hall, M^r^ Iohn Ferrey, M^r^ W^m^ Hutchinson and Maj^r^ W^m^ Barton. put to the vote that for as much as M^r^ W^m^ Hutchison and Maj^r^ W^m^ Barton had ꝑ^r^sumtiously left the house whether they should be fyned for such their contempt or past over. Carried in the affirmative, put to the vote whether they should be fyned 500^l^ of Tobacco or 1000^ls^ of Tob^o^ Carried by the Majority of voices for 500^l^ of Tob^o^

Ordered that 500^l^ Tobacco be deducted out of their Sall^ry^

p. 270 Resolved that the Vane, Globe, and other things thereunto belonging that were sent for be paid for by the Country.

A Bill for appointing how publick officers shall recov^r^ their dues accruing by their offices being comitted for amendm^t^ was brought in and read and passed for engrossing.

By the house of Delegates Nov^r^ the 11th 1698

Whereas there is in the hands of the publick Treas^r^ of the Eastern Shoare the sum of 8480^l^ of Tob^o^ and in the hands of the publick Treas^r^ of the Western Shoare the sum of 5337^l^ of Tob^o^ this house humbly pray your Ex^cy^ that the same may be applied towards defraying of the publick charge.

Signed ꝑ order.
C Gregory Cl: house of Delegates.

Ordered that Coll^o^ Iohn Thompson and Major Iohn Lowe Carry the said Message. They returne and say they have delivered the same.

The hon^ble^ Coll^o^ Iohn Addison and Thomas Brookes Esq. enter the house and present the following message thus endorsed viz^t^

The message by Coll^o^ Thomꝑson assented to by his Ex^cy^ and his Majt^s^ hon^ble^ Councill

Signed ꝑ order.
W Bladen Ck: Councill

Ordered that the Comittee of Laws put in a clause in the reviveing bill, that whereas the act made 1692 Entitled an Act relating to Serv^ts^ and Slaves, being a ꝑpetuall Law by mistake was put into the reviveing bill in Iuly 1696.

That it is the sense of this house that the putting the same into the said reviveing Bill but for three years or to the end of the next Generall Assembly, shall not in any wayes abridge L. H. J. the ꝑpetuity of the said act.

The hon^{ble} Tho Tench and James Frisby Esq^{r} enter the house.

Dies Iovis 10mo Die Nov^{es} 1698.

By his Ex^{cy} the Gov^{r} and Councill in Assembly

Proposed that for the support of poor diseased Lame ꝑsons if it shall please god that the Coole Springs continue to make the like cures as lately, that the house would appropriate one hundred pounds of the money now in Banke besides the 800^{l} now allowed towards defraying the Leavy for the building of Tenem^{ts} at the Coole Springs for the Entertainm^{t} of such poor and diseased ꝑsons who shall resort thither for cure of their Lameness and Disease.

It is hoped that before the Serv^{ll} Acts for Imposicōn &c are expired there will arise thereon to the country near Eight or nine hundred pounds. Wherefore in as much as the parochiall Libraryes of bookes which are sent into this province and which the Rever^{d} Do^{r} Thomas Bray is bringing in with him are all by ffree guifts and severall subscriptions of well disposed persons in England, It would be a great encouragement for such ꝑsons to se this province do something towards p. 271 purchaseing Bookes which may be not only beneficiall to present but to future ages.

It is therefore proposed that the house would appropriate one hundred pounds of what shall hereafter accrue upon the said Imposicōns to the purchaseing such beneficiall and necessary bookes for the propogacōn of Good Learning and virtue.

Signed ꝑ order
W Bladen Ck: Councill

Put to the vote if the act Entitled an act for the preventing the great Evil occasioned by the multiplicity of horses should be revived or not.

Carried in the negative.

By the house of Delegates Nov^{r} the 11th 1698

The Message by the hon^{ble} Thomas Tench and Iames Frisby Esq. was rec^{d} and for your Ex^{cys} proposalls for books and for building at the Coole Springs this house are willing to concur with your Ex^{cy} and Councill.

Remarkt, that no answer has been sent to the Message last night relating to the hon^{ble} Councills allowance in money for

L. H. J. want of which the Comittee for apportioning the Leavy cañot proceede.

Signed ꝑ order. C Gregory Clk: house of Del:

Ordered that M^r Iacob Moreland and M^r Sam^ll Young carry the said Message to his Ex^cy and Councill

The house adjournes till one a Clock

Eod die The house mett againe, and were present as before. Read the following Message.

By the hon^ble Councill in Assembly Nov^r the 11^th 1698.

Gent: we are willing to take both money and Tobacco proportionable to what is allowed in money and Tob^o as far as our Sall^ry reaches.

Signed ꝑ order, W Bladen Ck Councill

Ordered for the severall sumes of money allowed of by the Comittee of acc^ts and entered in their Journall, that the money be lodged in the hands of Cap^t Rich^d Hill and that he pay the same to the said ꝑsons.

put to the vote if M^r W^m Taylard for his trouble care and pains in the apportioning of the publick leavy, shall be allowed Eight or ten pounds.

Carried by the Majority of voices that he be allowed Ten pounds for the same.

The hon^ble Coll^o Iohn Addison and Thomas Brookes Esq. enter the house and present the following Message.

By the Councill in Assembly Nov^r the 11^th 1698.

This Board not knowing what misunderstanding this house may have Concerning the bills proposed for regulating of Marriages and granting Marriage Licenses and for the promotion of Learning and advancem^t of his Maj^ties Free Schools, do propose that the house will appoint some of their members to confer with his Maj^ties hon^ble Councill thereupon.

p. 272 Signed ꝑ order, W Bladen Clk: Councill.

Put to the vote if there shall be a conference or not.

Carried in the affirmative.

Ordered that Cap^t Rich^d Hill, M^r Mich^ll Miller, and M^r William Harris joyne with Two of his May^tyes Honoble Councill to hold the s^d conference

By the house of Delegates Novr 11th 1698. L. H. J.

Whereas by a message by the honble Collo Iohn Addison and Thomas Brookes Esqr the honble Councill have desired a conference with some of the members of this house in Relation to Two bills proposed by the honble Councill Vizt An act for Regulating Marriages and Granting marriage Licenses, and An act for promotion of Learning and advancement of his Majtys Free Schoole of Maryland, the latter of which this house have consented to, and have ordered Capt Richd Hill, Mr Michaell Miller and Mr William Harris to Ioyne in a Conference with two of his Matys: honble Councill, when they shall please to appoint. Signed by Order

C Gregory cłk: house of Delegates.

Read the other Message Vizt

By his Excelly the Govr Novr 16th 1698.

Whereas the house refuse to make allowance to Esq. Smith Major Hammond, Capt Hill and Mr Tasker.

Ever since I had the honour to Govn under his most sacred Majesty here have allways Endeavoured to put the Country to as little charge as possible might be. I thought it for his Majties Service (as I found it) to call Mr Robert Smith, Major Hammond, Capt Hill and Mr Tasker to assist me with their advice in Councill as likewise in point of Law as they were provinciall Iustices for the preservation of the peace of this his Majts province, which was most notoriously and violently broke and carried so high that it tended to Rebellion.

I likewise ordered Majr William Dent his Majtys Attory Genll to attend upon me and the Councill this assembly, but I find that you have not allowed him any thing for his Service done to his Majty and the Country. Therefore must naturally conclude that some of you are not well affected to his Matys Interest and the peace and quiett of this his Majtys province.

His Majty is pleased that there should be Twelve of his honble Councill but at ꝑsent there is but Seven and there is now noe charge to the Country for a Councill chamber.

Signed ꝑ order,

W Bladen cłk: Councill.

Resolved that this house will not further proceed on any business but what at present lies before them, and refers the same to the Consideracõn of the next Generall Assembly.

A Bill acertaineing how and when Execution may be granted for publick officers ffees, read the first and second time.

L. H. J. p. 273 A Bill Entituled an addicōnall act to the act Entituled an act for speedy Iustice for small Debts, Read the first and second time.

A Bill for the Reformacōn of Jeofayles in this Province, read the first & 2^d^ time.

Resolved that the two fines of Five hundred pounds of Tobacco each deducted out of the allowances to M^r^ William Hutchison and Major Will^m^ Barton be applyed to the payment of Iohn Newton for the sweeping and Cleaning the State house.

The house adjournes till to Morrow Morning Eight of the Clock.

Dies Saturnij Nov^r^ 12^th^ 1698. The house mett againe, and were called over, Were absent M^r^ Philip Clarke, M^r^ Iames Crauford, Cap^t^ Philip Hoskins, M^r^ Benj^a^ Hall, M^r^ George Ashman, Major Thomas Ennalls, M^r^ William hutchison and Major W^m^ Barton.

Resolved that Major Thomas Ennalls for his p^r^sumptious goeing home and leaving this house without leave first obtayned, one thousand pounds of Tobacco, and that the same be substracted from his allowance.

P^r^posed if this house shall make answer to his Ex^cys^ and the hon^ble^ the Councills Refflections in their Severall Messages.

Whereupon it was put to the vote, and Carried in the affirmative.

Ordered, that the Comittee of Laws draw up such an address.

Ordered that M^r^ Iohn Whittington M^r^ Iacob Moreland, M^r^ Samuell Young Maj^r^ John Lowe and M^r^ Iames Saunders carry the afores^d^ Bills to his Ex^cy^ and Councill. They returne and say that they have delivered the same.

The Comittee appointed to Confer with two of his Maj^tys^ hon^ble^ Councill Enter the house and by Cap^t^ Rich^d^ Hill they make report.

1^st^ It was proposed by their hon^r^ what was the reason they could not comply with what was desired in an act for promotion of Learning and advancem^t^ of his Maj^tys^ free schoole of Maryland.

To which was answered that the house did ap^r^hend that their Complyance would be a barr to the heire if any and that it would also be a barr to the Lord pro^rty^ of his right to Escheats.

2^d^ After many arguments theire hon^rs^ were pleased to send for his Maj^tys^ Attorney Generall who read in the Civill Laws severall p^r^sidents upon the reading of which the Comittee was

Inclined to dispense with that part touching the heires, and drawing to conclusion of the Conference. L. H. J.

Wee could not consent that, that part Touching the Lord pro^{rty}

3. Theire hon^{rs} desired that the Comittee, would give a favourable account thereof to the house the whole being for a pious use, thereby to induce the house to Dispense with bothe the objections by them made. W^{ch} this Comittee promised to Doe

Resolved that the Sixty pounds in the Journall in May 1697 Sent to his Maj^{ty} to pay three ministers, be allowed to his Ex^{cy} for the Councill Chamber.

C Gregory, Clk of the house of Delegates.

Resolved, That matter relateing to the Conference be referred to the Consideracōn of the next sessions of assembly. p. 274

By his Excell^{cy} the Gov^{r} and Councill in Assembly
Nov^{r} 12th 1698.

His Excellency is pleased to acquaint the house, that he did not mencōn the Countrys not being put to charge for a Councill chamber, out of any designe to have any thing paid him therefore.

Signed by order.
W Bladen clk: Councill.

The house adjournes till one a Clock.

Eod die the house mett againe, and were absent as before.

Proposed by a Member of this house that for as much as this Sessions is not yett ended and the Pvinciall Court now likewise mett whereby the Country will be putt to great charge and Inconveniency whether it might not be requisite to move to his Excellency in Councill that the provinciall Court might be adjourned untill some other time.

Resolved that Cap^{t} Hill and Maj^{r} Hamond move the same to his Excell^{cy} and Councill.

It being reported to this house by the Comittee for apportioning of the publick leavy that those payments allready allowed makes a fraction which would be very Prejudiciall for the Collecting of the same but that with the addicōn of 7241[1] pounds of Tobaccoe the same might be brought into whole numbers, and the assessm^{t} would then be 66 pounds of Tobaccoe ꝑ poll.

Resolved that the afores^{d} sum̄e 7241 pounds of Tobaccoe

L. H. J. be added to the publick Levy and lodged in the hands of Capt Edward Swettnam high Sheriff of Kent County.

Resolved that the 1000ls Tobaccoe to be substracted from Majr Ennalls allowance be given to the DooreKeeper.

Moved by some of the members of this house, that Iohn Gray sub. Sherriff of Ann Arundell County had served them with Supraa and prayed that they might have their priviledges as being Burgesses.

Ordered that the Sergt attendant take into his Custody the said Ino Gray and bring him before this house to answer his contempt.

The honble Thomas Tench Esqr and Collo Iohn Addison Enter the house and present the following Messages.

By his Excy the Govr and Councill in Assembly
Novr 12th 1698.

A Rumor being spread abroad, That a Letter which was signed by the house of Delegates and to be sent to the Lord Bishop of London or some other ꝑson was altered and that another which was not the same, but another since signed by the honble Robert Smith Esq. then Speaker was sent.

It is therefore recomended to the house that Enqry be made thereinto That if any such Misfeazance had been comitted the p. 275 ꝑson or ꝑsons Guilty thereof may be punished according to Law or otherwise if noe such thing can be made to appeare that the Divulgers of such false reports may be punished they being of a very ill consequence and tending to great disturbance in this province by amuseing the Good people thereof and Justifying Feares and Jealousys among them.

Signed by order.
Will: Bladen Clk: Councilll.

By the Honble his Matyss Councill in Assembly
Novr 12th 1698.

The Bills sent by Mr Iohn Whittington and severall others of the houses members are under Consideration of this board.

And we Desire to know the houses Resolucōns as to the Two Bills proposed by us to the which your remarkes and amendments having been proposed the passing of them ought not to be suspended without a conference on them both.

Signed ꝑ order. W Bladen Clk: Councill.

A Bill for assessing the publick levy read the first and second time.

Ordered, that Doctr Iacob Lockerman, Mr Hicks carry the L. H. J. aforesd act to his Excellency the Govr and Councill. They returne and say they have delivered their message.

By the House of Delegates Novr 12th 1698

In answer to the Message by the hon̄ble Thomas Tench Esq. and Collo Iohn Addison, wherein it is recomended to this house to make Enqry concerning a Rumour that is spread abroad, concerning a Letter said house sent to his Lordship the Lord Bishop of London.

Ffor as much as it is so long since the same was Writt that it is impossible to be certainly Remembered whereby to accuse any ꝑson therewith the house does humbly desire to be excused from further prosecuting the same.

Signed ꝑ order.
C Gregory Clk: house of Delegates.

As to the Bill proposed for Regulateing Marriages and granting Marriage Lycenses it has been voted out by this house.

And to the Bill proposed for Promotion of Learning and advancement of his Matys ffree School of Maryland it is Resolved that it be referred to the Consideration of the next sessions of Assembly.

Signed ꝑ Order. C Gregory clk house of Delegates.

Ordered that Major Iohn Lane, Majr Walter Smith Mr Thomas hicks Mr Henry hawkins carry the aforesaid Messages to his Excy and Councill.

A Bill for assessing the publick levy Read the third time and passed for Engrossing.

By the house of Delegates Novr 12th 1698.

May it please your Excellency.

Whereas your Excy and Councill have been pleased by severall Messages to make Reflections upon this house to Recite the ꝑticulars whereof would be rather cause of aggravation then palliate Misrstanding's and since your Excell who have been signally blessed with the favours of our most Dread p. 276 Sovereigne in that he hath been graciously pleased to com̄itt the Governmt of Virginia to your care and Conduct, we cannot but humbly Represent and declare to your Excellcy that this province hath been Extreemly obliged to your Excy under

L. H. J. this your Government, and doe desire that your Excell^{cy} would Esteem us, as indeed we are his Maj^{tys} most dutifull and Loyall Subjects, and as it must be acknowledged as one of our greatest Temporall Blessings, that it hath pleased almighty God to send so gracious a Prince to Reigne and Rule over us, and whom wee shall be always ready to Serve with our greatest ability with that dutifull and awfull Respect as becomes Subjects of England so that Consid^{r}ing our allegiance to our Sacred Maj^{ty} to which we have Sworne and the principells of Cristianity more Especially as we are ꝑ^{r}testants according to the church of England which in all its circumstances we shall be ready and willing to vindicate cannot but to Resent any Reflections wherein is contained any dislike either to his most Sacred Maj^{ty} as our Dread Sovereigne or to the protestant religion as it is here by Law Established, and that if Debates concerning our Priviledges have been beyound what is really our Rights of which we are not yett Sensible we desire that they may be rather imputed to our Misunderstanding's then to any Stuborness.

Signed ꝑ order
C Gregory Cłk: house of Delegates

By The House of Delegates Nov^{r} 12th 1698.

As to the Bills that are now before us are Eng^{r}sed and we have not any other Saveing three Bills sent to the hon^{ble} Councill this morning viz^{t}

A Bill for an additionall act to the act Entitled an act for speedy Iustice for small Debts a bill for the Reformation of Jeofayles in Maryland.

a Bill for ascertaining how and when executions may be granted for publick officers Fees and the Reviveing Bill.

Wee likewise desire to know your Excell^{cys} Pleasure where the Eight hundred pounds to be applyed towards defraying the publick Levy is to be paid and who shall give notes for the same.

Signed ꝑ order.
C Gregory clk: house of Delegates.

Ordered that M^{r} Thomas hicks, M^{r} John Ferry carry the afores^{d} Message to his Ex^{cy} and Councill.

By the house of Delegates.

Resolved that the Eight hundred pounds currant money of this province is in the Journall of the Comittee of acc^{os} and apportioning the publick Levy be paid to the severall ꝑsons in the said Journall mencõned if his Excellency and Councill shall consent thereto. L. H. J.

Signed ꝑ order
C Gregory clk: house of Delegates.

Ordered that Mr Hicks and Mr Ferry carry this Message likewise, they returne and say they have delivered their Messages. p. 277

The Comittee appointed to make a List of all such Laws as are in force as alsoe of such laws as are Repealed brought in the same.

The honble Thomas Brookes Esqr and Mr James Frisby Enter the house and present the following Messages.

By his Excellency the Govr and Councill in Assembly,
Novr 12th 1698.

Gent. Wee have Recēd your address and if any Reflections have been made by us we were and are Sorry we have had occasion so to doe, but since you have now Declared yourselves to be his Matys Dutifull and Loyall Subjects and to have due veneration to the Church of England as by Law Established we are willing to believe what you profess is Real and hope you will for the future square your accōns according thereto without heats or annimosityes which produce nothing but the ill effects of the Interrpcon of his Majtys and the Countrys business.

Signed ꝑ order.
Will Bladen Clk. Councill.

Dies Saturnij Novr 12th 1698.

By the honble his Maytys Councill in Assembly.

The Message by Mr Ferry and Mr hicks being considered it is returned for answer that as to the Bills proposed to be Revived you have not observed their Lodsps the Rt Honble the Lords of the Comittee of Trade and plantacōns instructions in theire Letter herewith sent you.

As to your Request about the money a Speedy answer will be given you upon Sight of the Committees Iournalls how it is appointed.

Signed ꝑ ordr C Gregory cl: house of Del:

L. H. J. By his Ex^{cy} the Gov^{r} and Councill in Assembly,
Nov^{r} 12th 1698.

His Excellency is pleased to acquaint the house, that he did not Mencōn the Country not being put to Charge for a Councill Chamber out of any designe to have anything paid him therefore.

Signed ꝑ order.
W Bladen Clk: Councill.

By the house of Delegates Nov^{r} the 12th 1698.

Upon reading your Ex^{cys} Message by the hon^{ble} Thomas Brooke and Iames Frisby Esq^{r} we have had Recourse to your Excellencys Letter from the R^{t} Hon^{ble} the Lords of the Comittee for Trade and plantacōns, and humbly desire that your Ex^{cy} would be pleased to Satisfy this house whether your Excell^{cy} Referred us to the Said Lrē in respect to the three bills we Desire to be Reenacted or to the Reviveing Bill.

Signed ꝑ order. C Gregory clk: house of Delegates.

Major Lowe, M^{r} Ferry and M^{r} Moreland returne and say that they have delivered their Message.

p. 278 Ordered that Major John Thompson, M^{r} Jn^{o} Hall and M^{r} W^{m} Taylard Carry the Rough Draught of the apportioning the aforesaid Eight hundred pounds to his Excellency and Councill and to informe his Excellency how the same is Divided.

They returne and say that they have delivered their Message and Coll^{o} Thompson ꝑsents the foll Message.

By his Excell^{ys} the Gov^{r} and Councill in Assembly.

Reposed that an Ordinance pass that the Trea^{s} on the Easterne Shore pay unto the severall Persons on the Easterne Shore the severall sums of money now due and allowed them and that the Gent: appointed to State the publick Revenue Draw ord^{rs} upon those ꝑsons in whose hands they shall finde the publick Stock to pay the Severall ꝑsons on the Westerne Shore according to their Respective allowances in the lists signed by his Excellency the Gov^{r} and the hon^{ble} the Speaker of the house of Delegates.

Signed ꝑ order
C Gregory Clk: house Delegates.

Ordered that Coll^{o} Iohn Thompson, Major Thomas Smith L. H. J. and M^{r} In^{o} Terry Carry the foll^{o} Message to his Excellency the Gov^{r} and Councill.

By the house Delegates the 12th Nov^{r} 1698

Ordered that the Treas^{r} of the Easterne Shore pay unto the Severall ꝑsons on the Easterne Shore the Severall sumes of money now Due and allowed them in a certaine list signed by his Excellency the Gov^{r} and the hon^{ble} Speaker, and that the Comittee for Inspecting the publick revenue give notice to the Severall ꝑsons Living on the Westerne Shore the severall sum̄es mencōned in said list where and in such hands as they shall find the publick money to be.

The hon^{ble} Coll^{o} Henry Iowles Coll^{o} In^{o} Addison and Thomas Brookes Esq^{r} enter the house and p^{r}sent the following Message.

Gentlemen,

What you mencōn in your address concerning his Maty^{s} haveing been Graciously pleased to remove me to the Governm^{t} of Virg^{a} I am In duty and all humble Gratitude obliged to own as a singular marke of his Royall favour and Bounty Towards me, and I hope that God Allmighty will enable me to discharge that Great Trust for his Glory his Maj^{tis} Service and Int^{r} and the Good of his Inhabitants of his ancient Dominions, all which according to my duty I have Endeavoured to ꝑforme ever since I have had the hon^{r} to serve his most sacred Maj^{ty} in this his province of Maryland and I shall be glad upon all occasions to doe his Mat^{ys} Loyall and Dutifull Subjects, but ꝑticularly those whom I have ever found soe and are of the Church of England as by Law Established any act of Friendshipp or Service according to my power and ability.

And Gent: I most heartily and Earnestly recomend to you p. 279 and all those whom you represent the endeavouring a faithfull Discharge of those respective Duty's which are due from you and them to God his Ma^{ty} and your County the three inseperable Good characters of Good Xtians Loyall Subjects and honest men whereby both you and they will most evidently appear to be what I Cordially wish and desire of the true friends of

ffran Nicholson.

The hon^{ble} Iames Frisby Esq. and Maj^{r} Will^{m} Dent his Maj^{ts} Attorney Gen^{ll} enter the house and ꝑsent the following Message.

L. H. J. Dies Saturnij the 12th Novr 1698.

By the honble his Majts Councill in Assembly.

By our late Message by the honble Esq. Brookes and Esq. Frisby we did refer unto their Lordshpps Lrē as well to the Reviveing Bill as to the others returned to you.

Signed ꝑ order
Willm Bladen Clk: Councill.

Resolved that all the Rangrs upon Potomack be Disbanded and noe longer continue in pay.

Ordered that Major Iohn Hamond, Capt Richard Hill, and Collo John Thompson assist Mr William Taylard in apportioning the publick levy.

By the house of Delegates Novr 12th 1698.

May it Please your Excellcy We have noe business lies before this house and humbly pray your Excy that a Conclusion be put to this Sessions.

Signed ꝑ order.
Chr: Gregory clk: house Delegates.

Ordered That Collo Iohn Thompson, Majr Thomas Smith and Mr Iohn Ferry carry the said Message to his Excellency and Councill.

The honble Collo Iohn Addison and Iames Frisby Esq: enters the house and Informes Mr Speaker

That his Excellency comands him and the whole house to attend on him in Councill Instantly and to bring downe all bills they have.

Mr Speaker and the whole house goe downe to the Councill Chamber and Carry the following Bills, Vizt

A Bill for ascertaineing the bounds for a certaine Tract of Land to the use of the Nanticoake Indians so long as they shall occupy and live upon the same.

A Bill for Impowering Trustees to purchase land adjoyning to the fountaines of healing Water Called the Coole Springs.

A Bill for the more Speedy conveighing the publick Letters and pacquetts of this Province and Settling a Revenue on the Sherriffs for the defraying the Charge thereof.

A Bill to Entitle Mr Coursey and Eliza his wife or the Survivour of them to sell and acknowledge such lands as were left by Collo Vincent Lowe to be sold for the payment of his Iust Debts.

A Bill for the more Effectuall Sup^{r}ssing of Prophane Curseing and Swearing. L. H. J. p. 280

A Bill for Impowering the Vestrymen &c to assess their ꝑishoners for finishing and repairing of Churches.

A Bill appointing how Publick officers shall recouer their dues accrueing by their offices.

A Bill for the punishment of privateers and Pyratts.

A Bill for vesting two Tracts of Land in In^{o} Gadsby sold him by Geo: Norman.

A Bill for p^{r}venting of the Sherriffes Summoning the Delegates and Iustices of the peace to serve as Iuro^{rs} in this province.

A Bill for assessing of the publick Levy of this province.

Where being admitted and ꝑrsenting the afores^{d} Bills, his Excellency was pleased on behalfe of his Maty: King William the third of England &c to assent thereunto and Signed the same.

Whereupon they were sealed with the Broad seale of this Province.

After which his Excellency was pleased to recommend to M^{r} Speaker that some members might be appointed to Examine the Iournall of this sessions.

Ordered that Major Iohn Hammond Capt^{t} Richard Hill and M^{r} Sam^{ll} Young Examine the Iournall of this Sessions.

Whereupon His Excellency was pleased to remarke to them that he was hartily sorry that they have been so long upon the business of the Country which had they not been interrupted by heats and annimosityes amongst them, since they might have brought this Sessions to a much sooner conclusion, but for as much as he hopes they are all now buried in the Depth of oblivion he is not willing to revive them againe.

As for the Gentlemen of his Maty^{s} hon^{ble} Councill he does on his Maj^{tys} behalfe returne them thanks for their Zeall to his Mat^{ys} Service and that he will recomend them to his Matj^{ts} for the same.

And for as much as he hopes all differences are Composed or forgott he will not make any Distinction or Seperation amongst the Gent: of the house of Delegates, and for what hath hapened he doth believe was through Inadvertency, and as he has an Esteem for all ꝑsons that had shewed themselves truely Loyall to his Maj^{ty} whensoever that occasion may req^{r} it he will signalize it by the best services he may doe them.

His Excellency was further pleased to Remark to them th^{t} his Maj^{ty} has been Graciously pleased to remove him from this

L. H. J. Governm^{t} to be Governour of our neighbouring Collony of Virg^{a}

And that he has been pleased to Conferr the honour of this Governm^{t} unto Coll^{o} Blackstone who by the advice he has Rec^{d} from England beares the character of a Truly Noble and Worthy Gent. and that he expects him to arrive here very suddenly, and that he doubts not but that they may will Live very happily vnder his Government.

p. 281 His Excellency likewise pleased to tell them, that it had been the misfortune of one of their members to fall vnder the Justice of the Law by means whereof he was obliged to Deteyne him from them being the Kings Prisoner and in the Kings Prison and on the behalfe of whom he had Received an address from the Gent. of his Maty^{s} Councill and some of the members of the house of Delegates wch he ordered to be read, and it was read accordingly in these words.

To His Excellency Fran. Nicholson Esq^{r} Cap^{t} Gen^{ll} and
Governour of Maryland &c.

All though we Cannot approve but Dislike former addresses for the Ease and Release of Philip Clarke yett we are moved to become Intercessors for him not approveing his Actions but pittying his folly and Misfortune, and not so much for his owne as for the sake of his wife and Innocent Children who beares apart of his (Iustly deserved) Suffrings.

May it therefore please your Excellency to Accept of this our humble address on his behalfe and Extend his Maj^{ties} Mercy to him in Releasing him from his ꝑsent Imprisonment taking Bond of him for his good behaviour and abearance in such measure as you shall think Convenient for the ꝑ^{r}servation of his Ma^{tys} Peace &c.

We believe yo^{r} Excellency in yo^{r} owne nature Inclined to Mercy and not to Rigour any further then the Honour of the King and peace of the p^{r}vince Requires which we hope is and will be secured and that we may obtaine yo^{r} favorable acceptance of this We humbly Subscribe.

Your Excell^{cys} Very humble Servants.

Harr Iowles
Charl Hutchins
Thomas Tench
Jn^{o} Addison
John Courts
Tho^{s} Brooke
and Iames Frisby
Councill.

L. H. J.

Will Barton
William Hutchinson
Iohn Lowe
Thomas Baile
Henry Hawkins
In° Berman.
Iames Smallwood
Sam^{ll} Collins
Walter Lane
Tho^{s} Hicks
Thom^{s} Slatey
Fran^{s} Ienkins
Thom^{s} Ennalls
Iacob Lookerman
In° Thompson
Iac° Moreland
In° Hammond
Will Taylard
Sam^{ll} Young
Rich^{d} Hill
Burgesses.

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Rob^{t} Smith
Thom^{s} Tasker
Iames Keetch
Esq^{res} Iustices of the Provincial Court.

Phillip Lines Foreman
Wiłł: Comegys
Ephraim Willson
Charles Tilden
In° Rawlinson
Peter Watts

Charles Beven
Char: Greenberry
Will Mills
Ambrose Kinemont
Humphry Tilton
Thom^{s} Atterberry
In° Emerson
Wiłł Watts
Aron Iunise
Tho^{s} Killman
Grand Iury.

Wch being read his Excellency was pleased to comand the Sherriff to bring in M^{r} Philip Clark w^{ch} he accordingly did.

Where his Excell^{cy} was pleased to tell him that he had detaind him in prison not out of any ꝑ^{r}judice to him but that all the Country might see th^{t} he was Legally condemned and Imprisoned for th^{t} upon a former Remission upon the Like case he had spread ab: Reports th^{t} were both false and scandelous and th^{t} during th^{t} time of this Imprisonment he had reported that the provinciall Court he would produce sufficient reasons in Law to Reverse the Judgm^{t} and ꝑ^{r}cure his Lib^{rty} and it being now the time of the provinciall Court if he can ꝑ^{r}duce such reasons he would have him to doe it. And then he would not need of the Kings Mercy. But if he could not ꝑ^{r}duce such reasons after the end of the Court, upon his giving bond with Security for the peace and his good Behaviour he will extend his Maj^{tys} Clemency so farr unto him as to Release him from his Imprisoment.

The hon^{ble} Cołł° Henry Jowles Chancellour on Behalfe of the hono^{ble} his Maj^{tys} Councill, the hono^{ble} the Iustices of the provinciall Court some of his Members of the house of Delegates and the Grand Iury ꝑsented the following address to his Excellency w^{ch} he prayed might be read w^{ch} was accordingly Done in these Words.

L. H. J. To his Excellency Fran Nicholson Esq^{r} Cap^{t} Gen^{ll} and Gov^{r}
of this his Maj^{tys} Province and Territory of Maryland.

S^{r} having Lately Recd Intimacōn from yō Selfe and others that his Maj^{ty} has thought fitt to remove unto another Governm^{t} that of our neighbour Collony of Virg^{a} and reflecting with ourselves how becomeing a thing it is to have allways a Gratefull Remembrance of Benefitts Received we cannot forbeare to leave this Testimony and acknowledgment under our hands as it proceeds from our hearts.

That in yo^{r} Conduct over us in this place yō Great care and Studdy has been to promote the practice of piety and Worshipp of Allmighty God by erecting Churches, Schooles and nurserys p. 283 of Learning both for Reforming of manners and Education of youth wherein you have not only been a large Benefactor but an Indefallible promoter together with yo^{r} Integrity of mainteining his Maty^{s} hono^{r} and authority in this Province your care in Providing Arms and Millitary Instruments for the Defence of it, Yo^{r} Regulating and happy Settlem^{ts} of the Civill Constitucōn both as to the Courts of Justice and in bringing us out of Debt w^{ch} the publick Was in, into a Condicōn clear of Debt and money in Bank by yo^{r} promotion of Good Laws to such purposes your great care to cause Speedy Iustice to be administered to all ꝑsons, your pious and Iuste yō noble and Benevolent carriage in all things deserves better penns and would take up more paper paper then this to Recount.

Be pleased therefore Honrd S^{r} to accept these our humble acknowledgm^{ts} for the same as the Just though Slender Tribute of an obliged people to a Generous and good Governour praying to God to bless you and all your pious and noble undertakings with happiness and Success.

So prays your humble and obliged Servants

Henry Iowles.

Hen^{ry} Iowles Can: Charles Hutchins Thom^{s} Tench	John Addison Thom^{s} Brooke Iames Ffrisby	Councillors
	Robert Smith In^{o} Hammond Tho: Tasker Iames Keetch In^{o} Hawkins	Justices of the Provinciall Court

L. H. J.

Richd Tilghman
Iames Saunders
Will: Taylard
Jn° Carvile
Hanse Hanson
Thos: Beale
Will Harris
Richd Hill
Jn° Wright
Will Smith
Ninian Beale
Thoms Stately
Iohn Leach
Thoms Ennalls
Thoms Hicks
Jacob Lookerman
Iohn Bozman.
of the house of Delegates.

Samuell Collins
Fran. Ienkins
Walter Lane
Thoms Smith
Simon Willmore
In° Thompson
In° Whittington
Iacob Moreland
Henry Hawkins
Iames Smallwood
Samll Young
Will Hutchinson
Will Barton
Jn° Lowe
In° Fferry
Jn° Hall
Michll Miller
of the House of Delegates.

November 12th 1698.

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Phillip Lines, Foreman,
Will: Comegy's
Charles Greenberry
Ephraim Willson
Charles Beven
Ambrose Kinemont
Humphry Tilton
Thoms Killman.

Charles Tilden
Aron Iunise
In° Rawlins
Peter Watts
John Emerson
Thoms Atterbury
Will: Watts
Will Mills
Grand Iury.

Wch being read his Excellency was pleased to thank the Gent for the Character they have been pleased to Give him wch is greater then he was able to ꝑforme but that he has Endeavoured as much as in him Lay to discharge his duty to God, the King and the Country and prays God that they may never finde cause of Complaint more then he has given.

And tells them that he prorgues them untill the Twenty Eight of June next and that they are thereby accordingly prorogued.

Soe Ended this Sessions of Assembly.

Chr: Gregory Clk: house of Delegates.

ACTS

Att an Assembly held att
Annapolis the 20th day
of October 1698 was
Enacted
Vizt

Lib. L. L. 2 An Act for Ascerteining the bounds of a Certein Tract of Land to the use of the Naticock Indians so long as they shall Occupy and live upon the same.

It being most Just That the Indians the Ancient Inhabitants of this Province should have a Convenient Dwelling place in this their native Country ffree from the incroachments and oppressions of the English more Especially the Nanticoke Indians in Dorchester County who for these many years has lived in peace and quiet with the English and in all matters in Obedience to the Government of this Province we the Burgesses & Delegates of this present Generall Assembly therefore do pray that it may be Enacted And be it Enacted by the Kings most Excellent Maty by and with the Advice and Consent of this present Generall Assembly and the Authority of the Same That all the Land lying and being in Dorchester p. 167 County and on the North Side of Nanticock River Butted and Bounded as followweth beginning att the mouth of Chickacoan Creek and running up the said Creek bounded therewth to the head of the main branch of the same and from the head of the said Main Branch with a line drawn to the head of a Branch issueing out of the Northwest fork of Nanticock known by the name of Francis Andertons Branch and from the head of the said branch down the said Andertons Branch bounded therewith to the mouth of the same where it falls into the said Northwest fork and from thence down the said Northwest fork bounded therewith to the main River and so down the Main river to the mouth of the aforesaid Chickacoan Creek shall be unto Panquas and Annatoughquan and to the people under their Government or Charge and their heires and successors for ever any Law Usage Custom or Grant to the Contrary in any wise Notwithstanding to be held of the Lord propry and his heires Lords Proprietors or Lords Proprietors of this Province under the Yearly rent of one Beaver Skin to be paid to his said Lordship and his heires as other Rents in this Province by the English used to be paid Provided allways That it shall and may be Lawfull for any

Lib. L. L. person or persons that hath formerly taken up and Obteined any Grants from the Lord Baltemore for any Tracts or parcells of Land within the aforesaid Boundarys upon the Indians deserting or leaving the said Land to Enter Occupy and Enjoy the same anything in this Law to the Contrary Notwithstanding And be it further Enacted by the Authority aforesaid That it may not nor shall be Lawfull for the Lord Baltemore to ask have or Demand any Rents or Services for any of the said Tracts or Dividends as may or hath been taken up as afores^{d} within the said Indian Boundarys untill such time that the takers up or Owners as aforesaid do enjoy or possess the same any Law usage or Custom to the Contrary notwitstanding.

An Act Impowering Trustees to purchase Land adjoyning to the fountains of healing Waters Called the Coole Springs

Whereas by the favour of Allmighty God there hath been of Late a discovery made of fountains of healing Waters Called the Cool Springs in S^{t} Marys County whose healing quality has been Experienced by many Impotent and diseased persons to their great help and Comfort and for that so great blessing, benefitt and Gifts of Allmighty God may not be neglected but a right use thereof made it is most fitting and Convenient that a particular Care should be first had of all such poor Impotent persons as repaire thither for Care and for th^{t} purpose or other such Charitable or pious uses a small Tract or parcell of Land near adjoyning may be purchased thereon to build and erect houses for the Entertainment of the said poor, and fuell for fireing and other such necessarys for their reliefe the Delegates of this present Generall Assembly Therefore pray it may be Enacted And be it Enacted by the Kings most Excellent Maty by and with the Advice and Consent of this present Generall Assembly and the Authority of the same that the persons hereafter named may and are hereby Appointed Trustees for and on behalfe of this his p. 169 Matys Province of Maryland to buy & purchase in the name of our Sovereign Lord the King his heires or successors for pious and Charitable uses fifty Acres of Land adjoyning to and in which the said fountains shall be included. And be it Enacted by the Authority aforesaid That Col John Courts Thomas Brooks Esq^{r} Cap^{t} James Keech, Cap^{t} Jacob Morland of S^{t} Mary's County and Cap^{t} Philip Hoskins Cap^{t} John Bayne and M^{r} Benjamin Hall of Charles County or any three of them be & are hereby Impowered Authorized and appointed

Lib. L. L. 2 Trustees as af^d with sufficient power given them whereby to Enable them to Treat with buy and purchase in the name of our Sovereigne Lord the King his heires or Successors forever as aforesaid to the uses aforesaid fifty Acres of Land or under Convenient as aforesaid and least prejudiciall to the Owners thereof And be it further Enacted by the Authority aforesaid that the said Trustees herein Nominated are hereby Impowered sometime before the tenth day of Aprill next Ensueing to meet together upon the af^d Land and then and there treat with and agree with the Owners and all persons Interrested in the same and buy & purchase of such Owners and persons Interrested in the same Lands fifty Acres thereof or under near adjoyning to and in which the s^d Fountains and Springs shall be included as aforesaid And be it Enacted by the Authority aforesaid That if the person or persons in whom the Right and Property of the said Land is shall refuse to make Sale thereof or any other Legall Impediment shall disable him or them from makeing a good sure firme and indefeazable Right and Title to p. 170 the said fifty Acres of Land or under That then the said Trustees before named shall Call to their Assistance the high Sherriffe of S^t Mary County aforesaid who is hereby Authorized and Impowered to sumon & Impannel Twelve good and Lawfull men ffreeholders of S^t Marys County af^d who upon their Oaths shall Value the s^d fifty Acres of Land or under according as it shall be surveyed and layd out to which purpose the said Trustees are hereby Authorized and Impowered to Call to their Assistance the Kings Surveyo^r of S^t Marys County aforesaid who is hereby Likewise Authorized and Impowered to Survey & lay out fifty Acres of Land or under as afors^d according to the direction of the Trustees before nominated And be it further Enacted by the Authority af^d that for what sume of money or Tobbacco the said Trustees shall agree to be paid for the purchase of the said fifty Acres of Land or under shall by an Equall Assessment upon the Inhabitants of this province be leavied and paid to the Owners or other persons by them appointed to receive the Same, And that all and whatsoever the said Col John Courts, Thomas Brooks Esq^r Cap^t James Keech, Cap^t Jacob Moreland Cap^t Philip Hoskins Cap^t John Bayne and M^r Benjamin Hall Trustees as aforesaid or any three of them shall Execute and do in pursuance hereof shall and is hereby ratifyed Confirmed and approved of and shall for ever hereafter be taken and deemed to be Sufficient & Valid in Law And that the said Trustees be and are hereby Indempnifyed and Saved harmless of and from all maner of p. 171 Suites and Damages that may att any time hereafter arise for or by means of any Act or Acts by them to be done in and about the premisses any Law usage or Custom to the Contrary in any wise notwithstanding.

An Act to Entitle William Coursey and Elizabeth his wife Lib. L. L. 2 or the Survivor of them to sell & Acknowledge such Lands as were left by Colonel Vincent Low to be sold for the payment of his just debts.

Whereas Col Vincent Low late of Talbott County by his Last Will and Testament did devise unto James Murphew & Michael Turbutt his Executors to be sold for the payment of the Just Debts of the said Vincent Low These following Lands (viz.) Two Thousand Acres of Land in Two Pattents the one Called Winefield the other Okenthorp lying in Talbott County in the Branches of Tuckaho and one other Tract of Land lying in Cecill County Called Ladys Delight and Two Thousand Seaven hundred Acres near adjoyning to the afores^{d} Ladys Delight Called Timber Ridge in Cecill County aforesaid one Thousand acres of Land lying in Chester near Edward Elliotts Land Called Low's Desire one Thousand Seaven hundred acres Called the Adventure lying in Chester aforesaid, five hundred Acres of Land Called the beginning five hundred Acres of Land Called Chesterfield in Chester both Tracts, one Thousand acres of Land Called Thurston neighbour lying in Baltemore County which Thousand Acres Called Thurston neighbour the p. 172 said Vincent Low did by his s^{d} Will Declare to have Sold to Jacob Jennifer but if the said Jacob did not Comply with his Obligation then to be disposed of as the foregoing Tracts of Lands and one Thousand Acres of Land lying in Dorchester County Called Low's purchase Conditionally Sold or Bargained for to Edward Cook and gave the remainder of the produce raised by Sale of those Lands to Elizabeth his wife now the wife of the said William Coursey and for that the said James Murphew and Michael Turbutt are both Dead before they disposed and made Sale of the said Lands and for th^{t} there remains no more of the Estate of the said Vincent Low to be Administred and wherewith the said Debts may be paid and Satisfyed and for that the said Vincent Low in his life time had Conditionally Bargained for some of the aforesaid Tracts of Land and the Executors in their Capacity had also sold and Bargained for some of the s^{d} Tracts but had not perfectly Confirmed their Sales to the end therefore that the Debts of the said Vincent Low may be Iustly paid and that the aforesaid Bargains may be Compleated and Confirmed. Be it Enacted by the Kings most Excellent Maty by and with the Advice and Consent of this present Generall Assembly and the Authority of the same That the aforesaid William Coursey and Elizabeth his wife or the Survivor of them be and are hereby Enabled and have full power and Lawfull Authority or the Survivor of them to Grant Bargain sell Dispose of alien

Lib. L. L. 2 p. 173 & Confirme all and every the said Lands or Tracts of Land or any part or parts of any such Land or Tracts of Land to any purchacer or purchacers theire heires and Assignes to the onely use and behooff of such purchacer or purchacers their heires or Assignes foreuer in as full and ample manner as the said Executors might or Could have done by Virtue of the said Will & Likewise to Confirme Consum̄ate and make perfect and Compleat such Bargains Sales and Contracts of any Lands or Tracts of Land which the said Vincent Low in his life time had Conditionally Bargained and Sold upon the Purchasers performing his Conditions and likewise to ratify Confirme and make Assurance of all such Lands and Tracts of Land as the said Executors in their Capacitys had Bargained and sold in as full and Ample Manner as the said Executors might have done.

An Act Vesting Two Tracts of Land in John Gadsby sold him by George Norman.

Whereas att a Sessions of Assembly begun & held att the Porte of Annapolis the Tenth day of March 1697/8 and there Continued 'till the fourth of April Ensuing was Enacted an Act for Enabling Elizabeth Norman the Executrix of George Norman to make over Two Tracts of Land to John Gadsby his heires and Assignes for ever But forasmuch as the said Elizabeth Dyed Suddainly before any Lawfull Conveyance thereof made according to the said Act, Be it therefore Enacted by the Kings most Excellent Maty by and with the Advice and Consent of this present Generall Assembly and the Authority of the same That the said Two Tracts of Lands shall be Vested in and inure to the Sole proper use and behoof of the said John Gadsby his heires and Assignes forever And th^{t} they the said John Gadsby his heires and Assignes shall and may have and Enjoy a pure absolute and undefeazable Estate in ffee Simple therein any Law Statute usage or Custom to the Contrary thereof in any wise notwithstanding.

PROCEEDINGS AND ACTS

OF THE

GENERAL ASSEMBLY

OF MARYLAND,

At a Session held at Annapolis, June 29 *to*
July 22, 1699

CHARLES CALVERT, LORD BALTIMORE,

Proprietary.

NATHANIEL BLAKISTON,

Governor.

THE UPPER HOUSE OF ASSEMBLY.

Maryland ss Original Journal.

Att a Councill in Assembly held att the Town and Porte of p. 1
Añapolis the 29th day of Iune in the Eleventh year of the reigne of our Souereigne Lord King William the third by the Grace of God of England Scottland ffrance and Ireland Defender of the ffaith &c Anoq Dni 1699

present

His Excy Nathaniel Blakiston Esqr Capt Genll and Govr in Chief in and over this his Matys province.
Col Henry Iowles
Thomas Tench Esqr
Col Iohn Courts
Thomas Brook Esqr
Iames Frisby Esqr
Majr Iohn Hammond
Thomas Tasker Esqr

The Honble Thomas Brooks Esqr took the Oaths appointed by Act of parliamt to be taken instead of the Oaths of Allegiance and Supremacy and Subscribed the Test and Association.

Then was read these his Matys Royall Instructions to his Excy as followeth (Vizt)

You shall Administer or Cause to be Administred the oaths appointed by Act of parliamt to be taken instead of the Oaths of Allegiance and Supremacy as also the Test unto the members and officers of his Matys said Councill and of the Assemblys and to all Iudges and Justices and all other persons that hold any office or place of Trust and profitt in the said province whether by Virtue of any p[atent] under the great
Seale of England or the publick Seale of Maryland or other- p. 2
wise and likewise require them to Subscribe the forementioned Association without which you are not to Admitt any person whatsoever into any publick office nor Suffer those that have been admitted formerly to Continue therein.

2 And that it may be the better understood what Laws and Acts are in force in his Matys said province of Maryland. You are with the assistance of the Councill there to take Care

Original Journal. that all Laws now in force be revised and Considered and if there be any thing either in the matter or Stile of them which be retrenched or altered to rep^r^sent the same unto his Maty w^th^ your opinion touching the same Laws now in force, whereof you are to send a Compleat body unto his Maty and to the Com^rs^ for Trade and plantacõns aforesaid with such Alterations as you shall think requisite to the End his Matys approbation or disallowance may be Signified thereupon.

3. And you are to permitt a Liberty of Conscience to all ꝑsons so they be Contented with a quiett and peaceable Enjoym^t^ of it not giveing offence or Scandall to the Governm^t^

4. You are not to pass any Act or Order within his Matys said province in any Case for leavying money and inflicting fynes and penaltys whereby the same shall not be reserved to his Maty for the publick uses, as by the said Act or Order shall be directed

5 And his Matys further will and pleasure is that you recom̄end to the next Gen^ll^ Assembly the raising of such other Supplyes from time to time as may be Sufficient for the defraying the other necessary Charges of that Governm^t^

His Matys Express will and pleasure is that all Laws whatsoever for the Good Governm^t^ and Supporte of his said province be made indefinite and without Limitation of time Except the same be for a Temporary and which shall Expire and have its full Effect within a Certein time.

And therefore you shall not Reenact any Law which shall have been once Enacted by you Except upon very urgent Occasions but in no Case more then once without his Matys Consent

6. And that God Allmighty may be the more inclined to bestow his blessing upon his Maty and you in the welfare and Improvem^t^ of that province you shall take Especiall Care that he be devoutly and duely served within your Governm^t^ the Book of Com̄on prayer as is now Established read each Sunday and Holy day and the blessed Sacrament Administred according to the Rights of the Church of England you shall p. 3 take Care that the Churches already built there be well and orderly kept and more built as the province shall by Gods blessing be Improved and that besides a Competent maintenance to be Assigned to the minister of each Church a Convenient house be built att the Com̄on Charge for each minister.

7. And whereas upon Complaints that have been made unto his Maty of the irregular proceedings of the Captains of Some of his Ships of Warr by the Impressing of Seamen Severall of his plantations his Maty has thought fitt to order and hath given directions to the Com^rs^ of the Admiralty accord-

Original Journal.

ingly that when any Cap^{t} or Com̄ander of any of the ships of Warr in any of the said plantations shall have Occasion for seamen to serve on Board the Ships under their Com̄and they make their applications to the Governo^{r} and Comand^{r} in Chief of the plantations respectively To whom as Vice Admiralls his Maty has pleased to Com̄itt the Sole power of Impressing Seamen in any of his plantations in America or in Sight of any of them you are therefore hereby required upon such Application made to you by any of the Com̄anders of his Matys said ships of Warr within the aforesaid province of Maryland and your Governm^{t} to take Care that the said ships of Warr be furnished with the numbers of Seamen that may be necessary for any his Matys Service on board them from time to time.

8 And for the greater Security for that province you are to Appoint fitt officers and Comanders in the severall parts of the Country bordering upon the Indians who upon any Invasion may raise men and Arms to oppose them untill they shall receive theire directions therein.

9. You shall Cause a Survey to be taken of all the Considerable Landing places and harbours in the said province and with the advice of his Matys Councill there Erect in any of them such fortifications as shall be necessary for the security and advantage of that province which shall be done att the publick Charge of the Country not doubting of the Chearfull Concurrance of the Inhabitants thereunto for the Com̄on security and benefitt they will receive thereby.

You shall likewise soon after yo^{r} Entrance upon that Governm^{t} of his Matys said province send an Acc^{t} to his Maty and to the Com^{rs} of Trade and plantations of the p^{r}sent number of planters and Inhabitants men women and Children as well Masters as Serv^{ts} ffree and unfree and of the slaves in every respective Countys or Districts of the said province as also a yearly Acc^{t} of the increase and decrease of them and how many of them are fitt or obliged to bear Arms in the respective Counties or Districts aforesaid

You shall likewise take Care that a gen^{ll} survey be made of all the said province and each County in it and that an Exact p. 4
Map or Maps be thereupon drawn & transmitted to his Maty and the afores^{d} Comissioners for Trade and plantations.

12. You are also with the Assistance of the Councill and Assembly to find out the best means to facilitate & Incourage the Converc̄on of negros and Indians to the Christian Religion.

13. You are to recom̄end to the Councill and Assembly the raising of Stocks and building work houses in Conven^{t} places for the Imploying of poor and Indigent people

Original Journal. Upon that his most sacred Ma^{tys} Royall Instruction requiring the Test and Association to be signed & the Oaths &c to be taken Ordered that the hon^{ble} Colonel Henry Iowles Thomas Tench Esq^{r} and Colonel John Courts go downe to the house attended by the Cłk of this Boarde and administer the Oathes appointed by Act of parliam̃^{t} instead of the Oathes of Allegiance & Supremacy to M^{r} Speaker and the rest of the house of Delegates. Who goe downe to the house and bring upp the Test and Association Signed by M^{r} Speaker & the severall Members of the house of Delegates and likewise reporte that they had Administred the said Oaths which M^{r} Speaker & the severall Members tooke.

The af^{d} Colonel Henry Jowles Thomas Tench Esq^{r} & Colonel John Courts sent to Com̄and M^{r} Speaker and the house to attend his Ex^{ncy} in Councill.

The af^{d} Gent^{n} returne and say that Mr Speaker and the house are ready to attend his Ex^{ncy} in Councill.

His Ex^{ncy} is pleased to Com̄unicate to the Boarde what he intends to lay before the house of Delegates And desires their opinion whether there was any thing omitted which might be necessary to be further added thereto Whereupon they make Answer that they see nothing amiss but what is very fitting therein.

Came Mr Speaker Attended by the house of Delegates and
p. 5 being Admitted his Ex^{ncy} was pleased thus to bespeake them

Gentlemen

Since his Maty amongst the rest of his many Graces to me has been pleased to hono^{r} me with the Com̄and of this his province, I shall never be wanting to make it my uttmost Endeavours to discharge that duty Incumbent upon me with all Zeal to his Maty and the Welfare and Advantage of this place. I have Allready had the honour of Serving his Maty in a Governm^{t} in America, And in Justice to his Subjects in those parts where I have been; No people that have the happiness of his Matys Governm^{t} and ꝑtection can be or are more ready and forward to Demonstrate their Satisfaction then the Inhabitants there. I do not in the Least doubt but I shall find the same good Harmony here.

I need not Enumerate the many blessings & benefitts this province has received (which you Cannot but be very Sencible of) by his Matys now Imediate Eye upon you and takeing you under his own protection for which we can never do Enough in bending all our thoughts & Endeavours to Exert and Give some Signall a prooff of our uttmost Loyalty and Gratitude to so great and Glorious a prince as we have the blessing to be under who has not only regaind the honour and Creditt but the Liberty of England his shining and noble Character and unparralled Actions do and have displayed themselves Sufficiently. Original Journal.

Gent

You must Give me leave to remark one particular to you which I am sorry to find has been Started among Some, which is a notion that may not only be prejudiciall but very fatall, and what I Can never Imagine that the Kings and the Countrys Interrest are att any time differrent or interfere with each other: I hope without Vanity I may be allowed to know his Matys private Sentiments in this (as well as any w^th^in your walls) I am sure my Instructions are not the least pointing that way but the Contrary, I take the liberty to mention this to you, that there may not arise the least Scruple amongst us but that we may all Embarque and Ioine in our Duty to his Maty and the Welfare of his province which I take to be inseperable. p. 6

I do very much Ioy to find this province has been so well Inclined in Endeavouring the promotion of the Church of England you have made very great Advances that way to your great Creditt and praise and I assure you I will Ioine both my heart and hand in the Advancem^t^ of it.

Gent^n^ As to my own particular I shall say very little being a Stranger Among you but shall Endeavour that my Actions shall be the most Convinceing prooff of my good Intentions and inclinations to Ascert the Interrest of this province and of doing you all the Iustice you can desire or hope for.

I shall look upon all mankind that have approved themselves his Matys Good Subjects as a fair sheet of paper, for I do not Come with any ill Conceived opinion to prejudice to any person.

I have now been six months amonst you in which time severall things of moment have occurred wherein my proceedings hitherto will I hope stand the Test of any who have the Curiosity to inquire into them with the strictest scrutiny. And if att any time I should Chance to make an irregular step, It will be my misfortune and not my fault and I shall all ways be so farr from takeing it Amiss that I shall rather Esteem it a mark of your kindness to signify it to me then otherwise. p. 7

Gent. All I have to recomend to you att p^r^sent is that we may readily Joine together with all Chearfullness to dispatch the busieness w^ch^ occasions this meeting.

After which M^r^ Speaker and the rest of the Members of the house of Delegates took leave and returned to the house

Came M^r^ Iames Crawford and Maj^r^ Iohn Lowe who acquaint

Original Journal. his Ex^cy^ from the house that they have made Choise of M^r^ Benj^a^ Nobbs to be their Chaplain this Sessions if his Ex^cy^ & this Board Approve thereof.

Of which his Ex^cy^ and the Board Express their well Likeing.

Advised and resolved that the house be acquainted of the business now occasioning their p^r^sent meeting

This Board adjourned untill to morrow
Morning att 8 of the Clock

Friday Iune the 30th 1699

Councill Sate p^r^sent as yesterday

Came Col Charles Hutchins who being of his Matys hon^ble^ Councill was accordingly sworne thereof took the Oaths Appointed by Act of parliam^t^ instead of those of Allegiance and Supremacy subscribed the Test and Association and was added unto the Board.

p. 8 Came Col Thompson and Cap^t^ Hoskins from the House and Acquaint his Ex^cy^ and the Board that M^r^ Sanders one of the Rep^r^sentatives of Ann Arundell County and the Dorchester County Delegates were Come to the house w^ch^ desired that some of the Councell might be sent to Administer the Oaths &c to them as likewise to see th^m^ subscribe the Test and Association.

Whereupon the Hon^ble^ Tho: Tench Esq^r^ and Col. Iohn Courts are sent to the house to Administer the Oaths &c to them and to see them Subscribe the Test and Association.

Who returned to the Board and reporte that they have Administred the s^d^ Oaths unto th^m^ and likewise see them Subscribe the test and Association.

Then Came Cap^t^ Waughop, M^r^ Miller and ten other members and bring the following message Viz^t^

By the house of Delegates Iune the 30th 1699.

May it please yo^r^ Ex^cy^

We humbly Thank your Ex^cy^ for your Ingenious speech and Declaration of your mind to us yesterday whereof you were pleased to lett us have a Copy and we assure your Excellency that the Certeine Character we have heard of yo^r^ Ex^cys^ Just and prudent Governm^t^ and Candid Treating of his Maty^s^ Subjects in other parts of America Gives us full Assureance that yo^r^ Ex^cy^ will practice the Same to us without any App^r^hension to the Contrary and that yo^r^ Ex^cy^ will Cast upon us the true reflection of his Matys most Serene and Gracious Aspect And

Original Journal.

you shall surely find his Matys Subjects here of an Ingenious, humble obedient and Loyall disposition and as sincerely Endeavouring that nothing shall disconsonant the good Harmony you wish to find as Love and Duty can oblige a well satisfyed people too.

p. 9 The many benefitts this province has rec^{d} by being taken into his Matys Imediate protection we gratefully Acknowledge and Admire the greatness of his mind that his more Vast and Important Affairs in Europe are so Easy within that he can Condescend to so ꝑticular a Consideration of this his province we are glad to find our selves so much in his Care and Confess it a Great blessing to be under his Government which we pray God long to preserve.

That notion of his Matys and the Countrys Interrest differing and Interfering so p^{r}judiciall and fatall to Concord and Unity is never imbibed by us they Do not understand us that Informed you so and although yo^{r} Ex^{cy} serving his Maty in a higher Station then any of us may render your Loyalty more perspicuous yet we will Contend that ours shall be uniforme and proportionable and as we never had any app^{r}hension that his Maty would retrench us of any those Rights and priviledges here which we have in England so will we allways Esteem his Royall prerogative sacred and hope we shall never see it misapplyed to personall strife or Contests nor to Iustifye any Violent Action.

As to the Church Affairs we are Glad to find yo^{r} Ex^{cy} so willing to Joyne in the promotion of it we shall be allways ready to Concurr with your Ex^{cy} so farr as the Capacity of the province will reasonably Admitt.

We are sufficiently Assured of your Ex^{cys} good Intencōns and Inclinations to ascert the Interrest of this province and to do us Iustice and are in an Especiall mañer pleased to find us your Ex^{cy} that apertness of mind that Clearness and freedom from prejudices & p^{r}possessions of bad opinions ag^{t} any man and desire that you will believe us all honest men, let us partake p. 10 indifferrently the Advantage of yo^{r} good Governm^{t} and Apply his Matys Grace and favour in Com̄on matters indiffently to us all till any mans Actions bespeak him unworthy we cannot Omitt to tell your Ex^{cy} that we take it as an infallible Argum^{t} of your own Sincerity and Candour that no Sinister perswasions have discouraged your Ex^{cy} from makeing use of and treating with the p^{r}sent Assembly which att your Comeing you found ready Elected, we hope you will not find yo^{r} Selfe Mistaken in your measures Desireing thus much that as we are men and lyable to Mistakes and Erro^{rs} that if any thing proceed from us which at first is not pleasing to yo^{r} Ex^{cy} that

Original Journal. it may not be too hastily resented till we be better understood And we Assure yor Excy that we will Ioine with a Chearfullness more than has lately possest us to dispatch the business which Occasions our meeting if your Excys Iudgemt and ours agree in Measureing the Capacity of the province.

Signed ꝑ Order
Chr Gregory Cl house Del

His Excy was pleased to send the following Answer

By his Excy the Governor

Gentn

I returne you my uttmost thanks for the good Constructions and Conceptions you are pleased to have of what I have said to you, and it is an unspeakable Satisfaction to me to see you all so Candid in your Expressions by which I am morally p. 11 Assured that your Actions in this Assembly will Demonstrate the good Effects this province will receive under your Conduct. If I were to Answer every paragraph of your kind returne it would take you up too much time which is now so Valuable, therefore shall onely Assure you That as to my own ꝑticular I will allways make it my Study to merritt your good opinions, and will with all Alacrity pursue the Measures you desire and which are Suitable to mine own Inclinations in not being hasty of takeing any thing by a wrong handle.

Signed by his Excys Com̄and
W Bladen Cl. Concil

Then sent to the House this following Message from the Councill by Col Charles Hutchins, Thomas Brook, Robt Smith Esqrs Major Iohn Ham̄ond & Thomas Tasker Esqr Vizt

By his Excy the Govr and Councill in Assembly
Iune the 30th 1699

Gentn Yesterday his Excy was pleased to lay before you sevrall of his Matys Royall Instructions to the end you may deserve thereby his princely Care and Concerne for us and if you have any thing to Observe or Advise towards the fullfilling and performance of them this Board is ready to Attend it and Ioine with you therein.

The principle Matters that are recomended to your Consideration at the business of this Sessions are these.

1. The reviseing and Composeing our Laws into one Compleat body according to his Matys Royall Instruction

which being well Affected will be of great use & benefitt to this province and is therefore recomended as the first and most materiall Original Journal.

2d The Affaire of the Church of Annapolis agreed for and money has been raised by the publick but little or no Advance made therein by those who undertook it what further Course therefore shall be taken for yr Compleating the same is in the next place to be Considered. p. 12

The Affair of the Indians by whom a murther on two persons on the ffrontiers has been lately Comitted by which the Inhabitants are put into great fears and Dangers and the frontiers likely to be deserted if not speedily taken Care of what Course is therefore to be taken to suppress such Outrages and secure the frontiers but some persons not yet Come that is Expected as also some Indians may give further insight to that Matter which otherwise would have been one of the first things thought on.

If you have any thing to offer as from yor Selves for his Matys Service and Good of the Country this Board is ready to Attend it and give you their best and Cordiall Assistance and are fully Assured of his Excys desire and readyness to do us good in all things.

Signed ꝑ Order
W Bladen Cl Concil.

The aforesaid Gent returne and say they haue delivred their Message.

The following Message was sent from the House by Colonel Iohn Thompson and Mr Elisha Hall Vizt

By the house of Delegates Iune the 30th 1699.

May it please yor Excellency

This house do humbly desire that yor Excellency will be pleased to Appoint some of his Matys honble Councill to Ioine in a Comittee with some of the members of this house to Consider of the reasons that obstructs the building of the Church and ffreeschool to be built within this porte and Town of Annapolis p. 13

Signed ꝑ Order
Chr: Gregory Cl house Del.

Ordered That Major Iohn Hamond and Thomas Tasker Esqr be Ioined with the members of the house upon that Comittee, Who accordingly goe thereupon

Then read the petition of Mr Iohn Dent of Charles County

Original Journal. praying that in Compensation of his loss att the Cool Springs he and his heires onely may have liberty to keep Ordinary att the said Springs without paying any thing for Licence under such restrictions as the house shall be thought fitt which is referred to the Consideration of the house.

Then Came M^r^ Samuel Young M^r^ Iacob Moreland and M^r^ Thomas Staley with the following Message from the house Viz^t^

By the house of Delegates Iune the 30^th^ 1699.

The Message by the hon^ble^ Col Charles Hutchins Thomas Brook Esq^r^ Robert Smith Esq^r^ Major Iohn Hamond and Thomas Tasker Esq^r^ was here received

1. As to the first Article we humbly offer that this house have allready Appointed and sent out a select Comittee for the reviseing and Compleating the Body of Laws

2. This house have appointed M^r^ Sam^ll^ Young, M^r^ Iacob Moreland and M^r^ Thomas Staley to Ioine with his Matys honble Councill to Consider the buildings of the Church and freeschool.

3 As to the Indian Affair this house will take it into Consideration when such further Testimony as is Expected Coms to Town.

p. 14 4 As to his Matys Royall Instructions which yo^r^ Ex^cy^ was pleased to lay before us we have Considered of them and do not find any thing ly's directly upon us to Answer.

Indeed in the Eighth paragraph we find somthing mentioned of the Indians which Instruction we shall performe as your Excellency and his Matys honble Councill and this house shall Agree upon when the Indian Matters shall Come under our Consideration.

Signed ꝑ Order
Ch: Gregory Cl house Del.

Came M^r^ William Harris and Capt^t^ Whittington to Acquaint the Board that whereas Iohn Gray an Officer attending on this hon^ble^ Board had the last Session of Assembly Comitted an Act in Violation of the priviledges of the house upon one of the members thereof That the Board would Give leave that he might be brought before the house to Answer his Misdemeano^r^

Which is readily Granted.

Came M^r^ Francis Ienkins who by his Matys Royall Instructions is Appointed of his Councill here.

The said M^r^ Ienkins took the Oaths appointed by Act of parliam^{t} to be taken instead of the Oaths of Allegiance and Supremacy & Subscribed the Test and Association. Original Journal.

Read the returne of Iames Round Esq^{r} of Som^{r}sett County in Obedience to the Order of Councill of the day of May last, relateing to the Indian Land in Somersett County upon which Iohn parker had made a forceable Entry which said returne is well Approved of, And Advised that in Case the s^{d} Iohn Parker do refuse to quitt the possession thereof when his Corne is Gathered that the said M^{r} Rounds be Ordered and Impowered to dispossess him.

Read the petition of M^{r} Rob^{t} Yates of Charles County p. 15
praying that the Last Will and Testam^{t} of Iames Pyer of Charles County may be recorded in the Comissarys office for security of the Younger Childrens portions which well approved off and recom̃ended to the Consideration of the house of Delegates.

The Board adjourne till 8 att the Clock
to Morrow morning

Iuly the 1st 1699.

Councill Sate P^{r}sent as yesterday

Came Cap^{t} Hoskins to acquaint his Ex^{cy} and the Board that the Sumersett County Burgesses were Arrived and that the house desired his Ex^{cy} would be pleased to send some of the Councell to Swear them

Whereupon Col Charles Hutchins and M^{r} Francis Ienkins were sent to the house and Ordered the Oaths to M^{r} Bozmane, M^{r} Collins and M^{r} Lane who Subscribed the Test and Association.

Then was sent the following Message by M^{r} Iacob Moreland and M^{r} Walter Lane from the house Viz^{t}

By the house of Delegates Iuly the 1st 1699.

Takeing again into our Consideration the Copy of Some of his Matys Instructions layd before us we find some paragraphs haveing relation to the Assembly and the Inhabitants of this province particularly the ninth wherein his Ex^{cy} is Instructed to Cause a survey to be made of the most Considerable Landing places Harbours &c to Erect fortifications &c. not doubting of the Cheerful Complyance of the Inhabitants.

To which we humbly Answer that this province from one p. 16
side to the other being so luxuriant in Navigable Rivers and Creeks and those Rivers and Creeks haveing so many branches Navigable and so many Capacious Harbours and fair Landings

Original Journal. the province being Generally Lowe and Levell land next the Water and no Rocks nor Barrs to ꝓhibitt Landings the Trade of the province and shiping dispersing it selfe so Equally and Gen^{lly} all over the province by the Conveniency of those Creeks Rivers and Harbours that it dos not seem to us a thing practicable to Erect any such fortifications nor to restreine Shipping from their usuall places of Trade and Confine them to any particular Harbour and we are Confident that if their L^{d}ps the Com^{rs} for Trade and plantations did visibly know this province they would Concurr with us and further Adjudge that all the Revenues of this province were insignificant to the Erecting such durable ffortifications as would defend themselves and be any Considerable security with shiping in any Case.

And whereas it is required a Competent Maintenance be Assigned to Ministers of each Church and Convenient houses to be built.

We humbly Conceive that we have already made such Competent Maintenance as is proportionable to the Countrys Capacity, but whereas the dayly Growth and increase of this Infant Country may like enough in a few years Cause an Alteration of parishes and for that few of the Ministers Coming here bring familys nor would an house alone without Land and a plantation or Globe be any Considerable use to the Minister therefore we desire to be Excused from any further p^{r}sent Charge yett we will be Allways ready to provide for the Clergy by Assigning them Lands or otherwise as the wealth & strength of the province increases, if they themselves by neglect of their Duty (having none to Inquire into their Conversacōn) be not their hinderance and by their boldness Stiffen our Zeal.

As for publick work houses we adjudge them alltogether Needless none need stand still for want of Imployment the province wants workmen, workmen want not work, here is no Beggars And they that are Superannuated are reasonably well provided for by the Countyes.

Signed ꝑ Order
Ch: Gregory Cl house Del.

p. 17 Whereto the following Message sent to the house Viz^{t} by Robert Smith & Iames Frisby Esq^{rs} Viz^{t}

By the Councill &c in Assembly Iuly the 1st 1699.

Gent^{n} Your Message by Cap^{t} Moreland and M^{r} Lane and yo^{r} observations upon Severall of his Matys Royall Instructions has been here read and Considered and this Board do approve of and Concurr with you therein Original Journal.

Signd ꝑ Order
W Bladen Cl Concil.

The said Gent Returne & say they have Del^{d} their Message

Ordered That Thomas Laurence Esq^{r} and Charles Greenbery Gent do appear att the Board on Tuesday next upon the Order of their Ex^{cys} the Lords Iustices relateing to One hundred and fifty pounds Claimed by S^{r} Thomas Laurence from Col Nicholas Greenbery's Estate as p^{r}sident of the Councill in the Years 1694 and 1695.

The Board Adjourned till two of the Clock
in the afternoon.

Post Meridiem

The Councill mett p^{r}sent as in the morning.

Came from the house M^{r} Harris and M^{r} Hicks who bring the reporte of the Comittee appointed for inquireing into the p. 18 reasons that obstruct the building of the Church and freeschool att Annapolis. By which reporte it Appears that Major Dorsey the undertaker has neglected to provide Brick and Timber for the building the Church and also to gett Workmen to finish the free school and that the Com̄ittee are of opinion Major Dorsey should be sent for to Answer his neglect.

Upon the said Reporte was Endorsed

By the house of Delegates Iune the 1st 1699.

This house do Concurr with the opinion of the s^{d} Comittee and have resolved That the Serjant Attendant shall be sent for him to be here on Monday Morning ten of the Clock if your Ex^{cy} shall be pleased to Consent thereto.

Signed ꝑ Order
C Gregory Cl house Del.

Ordered that the s^{d} Reporte be thus Endorsed and returned to the house of Delegates Viz^{t}

By his Ex^{cy} the Gov^{r} and Councill in Assembly
Iuly 1st 1699.

The within reporte haveing been read here this Board do Concurr with the Sentiments of the Comittee thereupon and do Consent that the s^{d} Major Dorsey be sent for to give the house the satisfaction required

Signed ꝑ Order
W Bladen Cl Concil.

Original Journal. The Board adjourned till Munday morning 8 a Clock

Munday Iuly the 3d 1699.

Councill Sate p^r^sent as on Saturday unless Tho: Tench & Rob^t^ Smith Esq^rs^

Came Col Iohn Addison and was Added.

His Ex^cy^ being made Acquainted that the house of Delegates were Desireous to see his Matys Royall Commission for p. 19 the Govern^t^ of this province and to have the perusall thereof.

The said Comission with the following Message was sent to the house by the hon^ble^ Col Iohn Addison and Col Iohn Courts Viz^t^

By his Ex^cy^ the Governo^r^ Iuly the 3d 1699.

Gent^n^ my reguards and respects are very particular to your house and I would not willing Omitt any thing on my part for its the Intention that makes the action and the true reason I did not send my Comission to you before for your perusall was my not haveing the least Intimation it was either accustomary or Expected It has been published upon my accession to this Governm^t^ And is for the better satisfaction of the Inhabitants of this province who may desire to have recourse thereto Recorded in the Secrys office

By his Ex^cys^ Comand
W Bladen Cl Council.

Came from the house M^r^ William Harris with nine other members who brought back the Governo^rs^ Comission with the Thanks of the house.

Cap^t^ Iacob Moreland and M^r^ Walter Campbell brought from the house the following Message Viz^t^

By the house of Delegates Iuly the 3d 1699.

Forasmuch as by our Iournall of the last Sessions we find that there was one hundred pounds sterl allotted for the use of the Cool Springs towards the purchase of fifty Acres of Land and for the building of small tenem^ts^ for the good and benefitt of such poor Impotent and lame persons as shall resorte thither and we find the Trustees appointed by Act of Assembly to purchase the s^d^ Land have agreed for and purchased the same for Twenty five p^ds^ sterl so that there is yet seaventy five pounds Sterl remaining towards the building of such Tenements.

p. 20 We humbly pray that your Ex^cy^ will be pleased to appoint two of his Matys hon^ble^ Councill to Ioine into a Comittee w^th^

three of the members of the house to Consider of the Erecting such Tenem^ts Original Journal.

Signed ꝑ Order
Chr: Gregory Cl house Del.

The Hon^ble Col. Henry Iowles and Thomas Brook Esq^r Appointed to Joine with the Members of the house upon that Comittee

The Board adjourned till 2 of the Clock in the Afternoon

Post Meridiem

The Councill mett p^rsent as in the Aforenoon

Read the petition of M^r Sam^ll Chew and Comp^a Merch^ts praying Remittance for some Negros unfitt for Sale which this Board think very reasonable and recomend to the Consideration of the house of Delegates.

The petition of Andrew Gregg Master of the Ship providence of Dublin praying Suspencōn of an Action upon a Navigation Bond which M^r Iohn Scott of Calvert County Entered into in the year 1689 att the request of the petitioner and that his Ex^cy would be pleased to Signify what Certificate or other Matter is necessary to Clear the petition^rs Bond Given for the Navigation of the said Vessell. The said petition was Ordered to be thus Endorsed

The within petition being read and Considered the petition^r is referred to the Coōn Law unlest he Can produce a Certificate from the Com^rs of his Matys Customs of England of their being satisfyed with the unlivery of his Tobb^o in Scottland.

Signed ꝑ Order
William Bladen Cl Concil.

Then Came M^r Iames Saunders, M^r Iacob Moreland and M^r George Ashman withe the following Message from the house Viz^t p. 21

By the house of Delegates Iuly the 3^d 1699

This house humbly prays That your Ex^cy will be pleased to Appoint some of the Gent of his Matys hon^ble Councill to Conferr with some of the members of this house Concerning the business of Maj^r Edward Dorsey and that they will Appoint their time and place and the Gent^n herewith sent will attend upon them

Signed ꝑ Order
C Gregory Cl house Del.

Original Journal. Major Iohn Hamond and Thomas Tasker Esq^rs^ Appointed upon that Conferrence.

To which was sent this Answer Viz^t^

By his Ex^cy^ the Governo^r^ and Councill Iuly the 3^d^ 1699.

The Hon^ble^ Major Iohn Hamond and Tho: Tasker Esq^rs^ are appointed to Conferr with the members of the house ab^t^ the business of Maj^r^ Edward Dorsey.

Signed ꝑ Order
W Bladen Cl Concil.

The Board Adjourned till Eight of the Clock to morrow Morning.

Tuesday Iuly the 4^th^ 1699,

Councill Sate p^r^sent as yesterday

Came from the house M^r^ Iames Saunders, M^r^ Iacob Moreland and M^r^ George Ashman who brought the following Message Viz^t^

By the house of Delegates Iuly the 4^th^ 1699.

p. 22 Whereas it is rep^r^sented to this house that there is now in the Custody of the Sherriffe of Ann Arundell County a Certein Malefactor Comitted for the horrid and Crying Sin of Murther and An other in the Custody of the sherriff of S^t^ Marys County for Comitting of an other murther and that to keep and maintaine the said prisoners in the said prisons untill the next prov^ll^ Court will be a great Charge and Burthen to the province and forasmuch as there is as well Severall of his Matys Iustices of the prov^ll^ Court and his Matys Attorney Gen^ll^ now in Towne whereby the said Criminalls may be brought to speedy and Condigne punishm^t^ and by that means save the Charge af^d^

1. This house humbly prays that yo^r^ Ex^cy^ will be pleased to Grant a Comission of Oyer & Terminer for the Trying hearing and Determining the Criminalls af^d^ dureing the sitting of this Sessions. Assented to.

2. This house has not yett taken the Indian Affair into their Consideration Expecting some further Information from Col. Addison wherefore we humbly pray yo^r^ Ex^cy^ that if you have any matter relateing thereunto to lay before this house that you would be pleased to Comunicate the same to us.

3. This house humbly prays that Your Ex^cy^ will be pleased to Appoint the same Gent of his Matys honble Council to Ioine

againe with the Same members of this house to inquire what Original
money has been paid to Maj. Edward Dorsey and upon what Journal.
Acct

Signed ꝑ Order
Chr. Gregory Cl house Del.

In Answer whereto was sent by Iames Frisby and Robt Smith Esqrs Vizt

By his Excy the Governor & Councill in Assembly
Iuly 4th 1699.

The houses Message by Mr Saunders, Mr Moreland and Mr Ashman has been here recd and read And as to the first p. 23
part thereof.

His Excy is very Willing to do what lyes in him to the Easing the province of any burthen or Charge and has Ordered that a Comission of Oyer and Terminer do issue for Tryall of the two Malefactors and Murtherers dureing this Sessions of Assembly according to the request of the House

As to the Affaire abt the Indians and the Murthers lately Comitted by them, Severall papers sent his Excy from Virginia are recomended to the house for their perusall upon which it is thought Adviseable that the house would inquire of Col Beal Lievt Col Smallwood and Mr Hutchison who are the best Able to give them an Acct thereof and what steps have been made therein And if the house will appoint a Comittee to Consider thereof, Col Addison is ordered to Ioine with them.

As to the houses request that the same Gentn of the Councill may again Ioine with the same Members of Your house to inquire what money has been paid Majr Dorsey & upon wt Acct the said Gentn are Ordered to Ioine with the Members of the house

Signed ꝑ Order
W Bladen Cl Concil.

The petition of Capt Humphrey Pellew late Comander of the ship Bridgett of Falmouth was here read setting forth his great loss lately by the burning his sd Ship and praying remittance of the Duty of 70 Servts Imported in her.

This Board in Comisseration of his great loss are willing to grant the pet and recomend it to the house of Delegates.

The petition of Thomas Brook Esqr praying Assignmt of Mr Richard Beards sherriffs Bond in the year 1698 read and p. 24
Granted.

Mrs Mary ffielders petition is recomended to the house.

The Board Adjourne till two in the afternoon

Original Journal.

Post Meridiem.

The Councill Sate Esq^r Tench also p^rsent Absent Maj^r Io^n Hamond & Tho: Tasker Esq^r

Then Came in Debate the Demand of S^r Thomas Laurence Barr^t as p^rsident of Maryland ag^t the Estate of Col Nicholas Greenbery deceased late p^rsident of his Matys hon^ble Councill w^thin this province.

Whereupon produced and read the following Rep^rsentation in these words Viz^t

To his Ex^cy Nathaniel Blakiston Esq^r Cap^t Gen^ll and Governo^r of Maryland in Councill.

S^r Thomas Laurence late p^rsident of his Matys hon^ble Councill of this province humbly rep^rsenteth unto yo^r Excellency That the said S^r Thomas by their Matys Royall Instructions to Col Lyonel Copley late Governo^r of this province was appointed first Councello^r of this his Matys province of Maryl^d as by the same Instructions may Appear That after your Supplicant Came into this province he Entred upon and Executed the said trust for some small time till the s^d Governo^r Copley without any Iust Cause Suspended him from the Trust and Station and Comitted him to prison without Baile or Mainprize as by the Records of the Councill may Appear

That on or ab^t the 12^th of Sep^t 1693 the s^d Lyonel Copley Dyed whereupon your Supplicant Came to St Marys and there being no person Impowered to Comand in Chiefe the Governm^t Divolved on the Councill whereof your Supplicant was p^rsident as af^d and so it remained some small time.

But in About a fortnight or three weeks time to witt the 25^th Sep^t S^r Edmund Andros Came from Virginia and Claimed p. 25 the Governm^t by Virtue of a Comission (which though Imperfect) he Entred upon and yo^r Supplicant and the other Councello^rs were sworne and Sate in Councill for ab^t ten days And then S^r Edmond going over to Virginia instead of leaving your Supplicant p^rsident which was his due appointed Col Nicholas Greenbery president

That Afterwards about the 3^d of ffeb^ry 1693 Advice of his late Matys Anulling the said Suspencōn Came to the said Col Greenbery and the order thereof shewed him but was not obeyed and yo^r Supplicant kept from his place till the 7^th day of May 1694 and then and not before was he putt in possession of his place and therein Continued till the Arrivall of his Ex^cy Col Francis Nicholson into this province which was ab^t the End of Iuly 1694:

That dureing the time of S^r Edm^d Andros Governm^t he rec^{d} five hundred p^{ds} sterl and 150^{l} sterl was allowed to the said Col Greenbery out of the Revenue of this province. Original Journal.

That upon Rep^{r}sentation of the p^{r}misses it being Conceived that the s^{d} S^{r} Edmund had no right to the said 500^{l} did returne 300^{l} thereof back again to the use of this province and his Ex^{cy} Col Nicholson thereupon Caused the said Col Greenbery to Enter into Engagem^{t} to Returne the s^{d} one hundred and fifty pounds in Case the s^{d} paym^{t} should be not Allowed by his Maty.

In Tender Consideracōn whereof and forasmuch as your Supplicant in right should have Enjoyed that place of p^{r}sident from Gov^{r} Copleys Death whereby the s^{d} Sum̄e of 150^{l} would have Accrued to yo^{r} Supplicant in Compensacōn of his Exerciseing that trust and that the same is referred by their Ex^{cy} the L^{ds} Iustices of England to yo^{r} Ex^{cy} and Councill.

May it please yo^{r} Ex^{cy} to Consider the p^{r}misses and to Allow your Supplicant the said Sum̄e of 150^{l} in Compensation of your Supplicants being so unjustly kept out of his said place and his other great Wrongs & hardships according to the tenor of their Lordps Order in Councill hereunto Annexed p. 26

And he shall ever pray for
Your Excellency &c

Also the said L^{ds} Iustices Order in Councill upon the s^{d} S^{r} Thomas Laurence's rep^{r}sentation to them viz^{t}

Att the Councill Chamber in Whitehall
the 3^{d} day of Nov^{br} 1698

p^{r}sent
Their Ex^{cys} the Lords Iustices.

Upon reading this day att the Board the following rep^{r}sentation from the Councill of Trade Viz^{t}

To their Excellencys the L^{ds} Iustices

May it please Yo^{r} Ex^{cys}

In obedience to your Ex^{cys} Order in Councill Dated the 29th of Sep^{t} last that we should Consider of and Reporte to your Ex^{cys} our opinion upon the petition of S^{r} Thomas Laurence Barr^{tt} thereunto Annexed wherein he Claims a Right to one hundred and fifty pounds (part of greater Sum̄s raised by the Assembly of Maryland for Supporte of the Governm^{t}) now remaining there indisposed of, we humbly reporte to yo^{r} Excellencys.

That upon the Death of Col Copley late Governo^{r} of that

Original Journal. province (which was the 12th of Sept 1693) there being then no Lievt Governor or Comander in Chief for the time being in the Country the Administracōn of that Governmt ought by his Matys Comission to have divolved upon the Councill in which the first Councillor nominated in Col Copley's Instructions ought to have prsided.

That Sr Thomas Laurence was the first Councillor so nominated, but at that time lay under a Suspencōn which was afterwards taken off and by her late Matys Order in Councill of p. 27 the 28th of Sept 1693 declared to be illegall and Arbitrary, That upon Col Copleys Death he was Admitted to sitt in Councill But Sr Edmund Andros Comeing thither from Virginia and upon an ill Grounded pretence of a Comission which did not reach the Case of that province att that time takeing upon him the place of Comander in Chief for the time being After a fortnights stay returned to Virginia and Constituted Col Nicholas Greenbery the fourth Councellor in Nomination in Col Copleys Instructions to be president out of the Councill Excludeing Sr Thomas Laurence from that place which of right would have belonged to him

And in the end of Aprill or begining of May, 1694 Some while after Notice of her Late Matys [order] for the Annulling the Sr Thomas Laurence and Suspention Sr Edmond Andros Coming again to Maryland and staying abt a weeke by Consent of the Councill took to himselve five hundred pounds upon Acct of his Sallary as Comander in Chiefe and directed one hundred and fifty pounds to be paid unto the said Col Greenbery upon the acct of his being prsident of the Councill.

That Since the Settlement of that Governmt, by his Matys Comission in the hands of Col Francis Nicholson and by his Arrivall there which was abt the end End of July 1694 the Assembly to prvent the dispute that might Arise from severall Judiciall Acts past dureing Sr Edmd Andros Administracōn because of some Debts abt the legality thereof Did by an Act or Law of the province Confirme all those proceedings Excepting onely his takeing and disposeing of the publick Revenue for the supporte of the Governmt and provideing that the Right and Claim of the Assembly or any person wtsoever unto the same should not thereby be debarred.

p. 28 That in Consequence thereof Sr Edmund Andros did Voluntarily pay back the greatest part of what he had received, and Col Greenbery has since given Caution to refund the foremencōned Sum̄e of 150l when ordered by his Maty.

This being the state of that Matter we further humbly reporte unto yor Excy that we do not by his Matys Comission or Instructions aforementioned [find] any Salary Appointed for the p^r^sident in Case of the Devolution of the Governm^t^ upon the Councill of that province so that in Strictness of R^t^ neither S^r^ Thomas Laurence nor Col Greenberry Could have any full and absolute Title to that Allowance, Nevertheless we do not think it unreasonable nor is it a thing uncustomary in other his Matys plantacons that the p^r^sidents of Councills have a Competent Allowance made them in Consideracōn of their Extraordinary trouble and some times Charge in such Occassions, And we have no reason to doubt but if S^r^ Thomas Laurence had not then layn under the forementioned unjust Suspencōn the money paid unto Col Greenbery would have been allowed unto him. Wherefore in Consideracōn of the injury done him by that Suspension, and of his great Sufferings as well by Imprisonment as otherwise we humbly Offer unto your Ex^cys^

That the Governo^r^ and Councill of Maryland in disposeing of that money whether by Consent of the Assembly or otherwise may be directed to have a favourable reguard unto his Case.

Which nevertheless is most humbly submitted

Whitehall 8^br^ 25^th^ 1698

I Bridgwater I: pollexfen
ph: Meadows Abr: Hill

Their Ex^cys^ the Lords Iustices in Councill

p. 29 Approveing what has been proposed by the Councill of Trade in the said Rep^r^sentacōn are pleased accordingly to Order That in the disposeing of the s^d^ Money therein mentioned, Whether by Consent of the Assembly of Maryland or otherwise a favourable reguard be had unto the petitioners Case whereof the Governo^r^ and Councill of his Matys province of Maryland and all others whom it may Concerne are to take Notice and Governe themselves Accordingly

Iohn Povey.

Produced on the behalfe of S^r^ Thomas Laurence Col Nicholas Greenberys security said to be given to M^r^ George plater w^ch^ is as followeth.

Ian^ry^ the 31^st^ 1696.

Whereas the sum̄e of one hundred and fifty pounds sterl has been paid me Nicholas Greenbery by George Plater Receiver of the District of Putuxent by the Order & Warr^t^ of his Ex^cy^ S^r^ Edmond Andros while Governo^r^ of Maryland Dat the 5^th^ day of May 1694 upon Acc^t^ of his being p^r^sident of

Original Journal. their Matys Councill in this their Matys province and Territorys of Maryland, Now these p^{r}sents Wittnesses in Case the said paym^{t} be not Allowed of by his Maty but ordered to be refunded then I the said Nicholas Greenbury do promise to repay the same pursuant to such Order as shall be made by his Maty therein.

Nicholas Greenbury.

Produced also M^{r} George Platers Dep^{o} as followeth Viz^{t}

Maryland ss May the 25th 1698.

George Plater of Calvert County saith that att or about the month of ffeb^{ry} in the year of our Lord 1693 being att the house of M^{r} Iames Brown of the City of S^{t} Marys in Company of the honble Col Nicholas Greenbury and Thomas Tench p. 30 Esq^{r} both of his Matys hon^{ble} Councill of Maryland the hon^{ble} S^{r} Thomas Laurence Barr^{tt} secry of Maryland produced an Order of his Matys Councill of England for the reinstateing the s^{d} S^{r} Thomas in his former station of Councillo^{r} the said Nicholas Greenbury did answer he was appointed president of the Councill by S^{r} Edmond Andros therefore thought fitt to Acquaint him therewith before he could give any possitive Result in or Answer to Admitt him as president

Iur Cor me Die et Ano Sup^{r}do George Plater
ffr: Nicholson

After Consideration whereof and the Councill being heard as well on the part and behalfe of the s^{d} S^{r} Thomas Laurence Barr^{t} as also on the behalfe of the Ex^{rs} of Col Nich^{o} Greenbury Dec^{d} it Appearing to this Board that the said Col Greenbury Notwithstanding her sacred Maty of blessed Memory her Royall Mandate in Councill for takeing off the Suspencōn under w^{ch} the s^{d} S^{r} Thomas then lay and also for restoreing him to p^{r}side as being first Nominated of the Councill had delay'd to fulfill her s^{d} Matys Comands alledging that in as much as he had been Appointed p^{r}sident by his Ex^{cy} S^{r} Edmond Andros Kn^{t} Gov^{r} of Virginia (who upon the Death of his Ex^{cy} Lyonel Copley Esq^{r} late Governo^{r} of this province) took upon him the Governm^{t} here by Virtue of a Certein Comission w^{ch} he produced &c) he could not invest the s^{d} S^{r} Thomas or Resigne unto him the presidentship untill such time as the s^{d} S^{r} Edmond Andros should arrive here in person to Execute & fulfill these her Royall Matys Comands in restoreing the s^{d} S^{r} Thomas Laurence; He the s^{d} Col Greenp. 31 bury being onely substituted in that Station by the s^{d} S^{r}

Edmond Andros Whereby the s^d^ S^r^ Thomas Laurence was precluded from the Presidentship w^ch^ of Right did belong unto him as af^d^ for the Space of two Months and Odd Days. Original Journal.

Thereupon this Board haveing due Consideration and tender reguard to the many hardships the s^d^ S^r^ Thomas Susteined and the many great obstructions & troubles he mett with before he could obtein the injoyment of what their Matys Bounty had Graciously bestowed on him, and likewise being Sencible how fathfully the said Col Greenbury had allways served their Matys in that Station and that he was att great Charges in Supporting thereof which for the s^d^ space of 2 months & odd days did not fall upon the s^d^ S^r^ Thomas but upon him the s^d^ Col Greenbury. This Board do in Obedience to their Ex^cys^ the Lords Iustices Order in Councill and upon full Consideration of the whole Matter Ordered that the said S^r^ Thomas Laurence for the time he was denyed and kept out of the presidentship be paid the sum̃e of fifty pounds sterl (viz^t^ for the s^d^ 2 months & odd days) out of the one hundred and fifty p^ds^ Allotted to Col Greenbury as p^r^sident And that the other one hundred pounds Sterl be allowed of and remaine to the s^d^ Col Greenburys Estate for his the s^d^ Col Greenburys Service to their Matys as af^d^

The following Message sent from the house by Cap^t^ Iacob Moreland, and D^r^ Iacob Lockerman Viz^t^

By the house of Delegates Iuly the 4^th^ 1699.

Upon the reporte of the Comittee appointed to Consider of reasons what obstructs the building of the Church and ffree-school p. 32

It is the opinion of this house that Maj^r^ Edward Dorsey either submitt himselfe to the Generall Assembly and to such fine as they shall think Convenient for such his neglect or that a suite att Com̃on Law should be Comenced ag^t^ him upon his Recognizance if Your Ex^cy^ and his Matys Councill shall Concurr therewith

Signed ꝑ Order
Chr. Gregory Cl house Del.

Whereto the following Answer sent to the house by Maj^r^ Iohn Hamond and Tho: Tasker Esq^rs^ Viz^t^

By his Ex^cy^ the Governo^r^ & Councill in Assembly
Iuly the 4^th^ 1699.

The Message by Cap^t^ Moreland and Doctor Lockerman has been read and Considered and it is recomended to you to

Original Journal. know of s^d^ Dorsey whether he will Voluntarily Submitt as proposed which if he dos that you propose what sume the fine shall be and in what maner laid, But if he refuses Submission that you will View the obligation by w^ch^ he stands Engaged and Consider whether it be Authentick to found a suite att Com̃on Law on or whether it may not be necessary by some Law to make the same Authentick according to the true Intent and meaning thereof being a publick Service

Signed ꝑ Order
W Bladen Cl Concil.

It being Rep^r^sented to this Board that William Hunter a Popish Priest in Charles County had Com̃itted Diverse Enormitys in diswadeing sev^r^all ꝑsons Especially poor Ignorant p. 33 people of the Church of England from their faith and Endeavouring to draw them to the popish faith.

Consulted and Debated whether it may not be Adviseable that the s^d^ Hunter be wholy silenced and not sufferred to preach or say Mass in any part of this province.

And thereupon it is thought Adviseable that the same be wholy left to his Ex^cys^ Judgem^t^ to silence him or not, as his Demeritts require

The Board Adjourned till 8 of the Clock to morrow Morning

Iuly the 5^th^ 1699

Councill Sate p^r^sent as Yesterday

Read the petition of Roger Newman Merch^t^ praying the Assignem^t^ of M^r^ Nicholas Laws sherriffs Bond in the year 1696 who he Alledges is indebted to him 1691^ls^ Tobbacco out of the publick Leavy Whereupon the said Bond is Ordered to be Assigned him

Came the Comittee appointed to Consider of the Indian Affairs and bring the following Reporte Viz^t^

By the Comittee appointed to Conferr with some of his Matys hon^ble^ Councill of the Affairs relateing to the Indians &c Iuly the 5^th^ 1699.

The Comittee haveing taken into their Serious Consideration the Affairs relateing to the Indians they think it Necessary and Convenient that Major Iames Smallwood and M^r^ Willm Hutchison be dispatcht with all Convenient Speed to goe to the pawmunikye Indians that are lately Come in from the piscattaway Indians under p^r^tence to tarry to know whether they will Abide or settle there or are returned back againe to the piscattaways and if not returned back to see and Endeavour p. 34 to perswade some of the great men of the said Indians to

Appear before his Ex^cy the Govern^r and his Matys honble Council and the honble the Delegates and Deputys now sitting in Assembly to know whether they will Come in and remain amongst them. Original Journal.

And further the said Comittee doe say that they Cañot proceed any further in the s^d Affair relateing to the Indians untill the returne of the s^d Messengers

Signed ꝑ Order
C: Lomax Cl Com:

By the house of Delegates Iuly the 5^th 1699.

This house Concurr with the opinion of the s^d Comittee and Ordered That Major Iames Smallwood and M^r William Hutchison be dispatcht if your Ex^cy & Councill shall Approve thereof

Signed ꝑ Order
C: Gregory Cl house Del.

Then the following answer thereto was sent to the House by the honble Col Charles Hutchins and Francis Ienkins Esq^r Viz^t

By his Ex^cy the Gov^r and Councill in Assembly
Iuly 5^th 1699.

This Board do Agree with the opinion of the house that the said Liev^t Col Smallwood and M^r Hutchison be Dispatched away to the Indians

Signed ꝑ Order
W Bladen Cl Concil.

The Board Adjourned till 8 a Clock to morrow morning.

Iuly the 6^th 1699.

The Councill Sate p^rsent as yesterday

Came M^r Campbell and M^r Hicks who say they are Comanded by the house to acquaint his Ex^cy and this Board That Cap^t Io^n Worthington of Ann Arundell County is returned as a Delegate thereof Wherefore the house do request Some of the Members of this Board to Come down and Administer p. 35 the Oaths &c unto him & to see him Subscribe the Test and Association.

Whereupon Ordered that Col Francis Ienkins go down to the house and Adm^r the Oaths &c to the s^d Cap^t Worthington and see him subscribe the test and Association.

Original Journal. The sd Col Ienkins Returns to the Board & Reports tht he has Administred the sd Oaths &c to the Capt Worthington who took them and likewise Subscribed the Test and Association.

His Excy haveing first acquainted Col Henry Jowles the prsent keeper of the Great Seale now lays before the Board a Certein Clause in his Matys Royall Comission to him for the Governmt here whereby his Matys Royall Will is Signifyed that he shall and may keep and use the great Seale of this province.

Tells the Board that upon his Arrivall he did not take any notice of it but has now thought fitt so to do understanding the settling the Courts of Law and Equity is now under the Consideration of the Assembly

And the Councill being Severally Asked whether his Excy according to the Tenor of his Matys Royall Will and pleasure Express in his Comission to his Excy ought not to keep the sd Great Seale who do all of them severally say that without Dispute he ought

And Col Henry Iowles being Asked if he has any thing to say agt it who say he has not.

the following Messages sent by his Excy & the Councill to the house by Col Henry Iowles and Thomas Tench Esqr with his Matys Royall Comission to his Excy

By the Councill in Assembly Iuly the 6th 1699.

His Excy hath been pleased this day to lay before us his Matys Royall Comission for the Govermnt of this province and therein observed a Clause touching the publick Seate of this Province in these words And our Will and pleasure is that you p. 36 shall and may keep and use the publick Seale appointed or to be appointed by us for the province of Maryland as by the said Comission herewith sent Appears.

By which his Matys Royall Comand and Authority to his Excy to keep and use that Seale Appears plain to this Board and past Denyall.

It is therefore recomended to the house of Delegates to Compose such a Law to regulate the Chancery proceedings instead of the former as may Answer his Matys Comands in that particular which is hoped may redound to the benefitt and Ease of the people that are Suitors to that Court

Signed ꝑ Order
W Bladen Cl Concil

Gentn of the house of Delegates.

Notwithstanding I have a possitive Instruction from his Maty for keeping the great Seale of this province I rather Choose to run the Risque of a Checque from home then Imediately upon my Arrivall to take it upon me being I was Informed you had a Law or Custom in the proceedings of your Courts and the frame of which would have been unsettled thereby, I shall allways be Very tender of shocking or intermedling wth any of Your Constitutions it is the Custom of his Matys plantacōns abroad for the Govero r to be Iudge in Chancery and to keep his Matys Seale I have herewith sent you a Copy of the Clause of his Royall Com̄ission to me for to keep the sd Seale. Original Journal.

N: Blakiston

Mr Philip Lynes of Charles County his petition being read praying his Excy to preferr that Sherriffs Office upon him, and lying under Consideration, he is reprsented to be the person p. 37
very well Affected to the Governmt but in no wise qualifyed to be Sherr of that County haveing much abused his Creditt, and the people of the County much Averse thereto.

Upon due Consideration had of a Certein petition prsented to this Board by the honble Henry Iowles lately Iudge of the Court of Vice Admiralty setting forth that for want of a Settled Method what ffees the Iudge Advocate and other officers of that Court ought to take he had not recd any ffees accrueing to him as Iudge of that Court and Especially on Condemnation of a Certeine ffrench prize Called the Iohn of Bordeaux wherefore prayed that some Settlemt might be made therein

And thereupon it is Ordered by this Board that Col Henry Iowles do Ask Demand and receive as his ffee upon the Condemnation of the Ship and Cargo in the said petition mentioned Seaven ꝑ Cent of the full Value thereof According to Appraismt

W Bladen Cl. Concil.

Came Col Iohn Thompson and five other Members who brought back his Excys Com̄ission from the house.

His Excy was pleased to lay before the Board Mr Isaack Millers Letter of the 18th of October 1698 which is as followeth Vizt

May it please yor Honors Londo 18th 8br 1698

I am honord with yours in Councill of the 22d of Iuly last for which I humbly thank Your honors for such your Com̄ission in Answer whereto I have recd your honors Bills of Excha and 5s piece sent Mr Payēn for Value of 250l all which Bills I find will meet with due paymt He observes your honors Order in investing the sd value & sending the said Effects by first ships

Original Journal. p. 38 for yo^r port as directed this Ship onely Coms by Accident to wait on his Ex^cy Your now Governo^r and not being Assured of the place of his Landing therefore I send nothing for the province herewith but wait for the next Conveniency. M^r Plater as yet has but remitted Bills of Exch for 165. 11. 06. towards the ball of 331. 02: 02¾ due to your Governm^t but promiseth he'l send the rest to make good his ballance by very next Ship that Coms from your parts, I'le observe Your hono^rs directions and Apply my Selfe to Cap^t Silver for his Advice and Assistance as Ordered and will also use my own uttmost Endeavours and diligence to Answer what may in every respect be Expected p. 39 of me there from And att all times and upon all Comands I heartily and Sincerely Assure yo^r Hono^r all the faithfullness that can be for yo^r province's Service i'le allways advise Your Hono^rs by writeing as need may require and for ever will Study to Continue and deserve the Character of

Yo^r hono^rs most obedient
& most humble Serv^t

Hono^rd S^r London the 30° Decemb^r 1698.

May it please your Ex^cy I hope this will find your Ex^cy Safely Arrived and so have the desired opportunity of Congratulateing yo^r Ex^cys hapy Accession to your now Governm^t wherein I heartily wish for the Continuance of your health and a full Compleatment of all other Comforts and prosperity your Ex^cy can wish for we are here in Great hopes that Cap^t Greenwell in your passage over was not wanting in his Obedience and Service to all You^r hon^ble Family as was due to such your Quality, the Above is Copy of what I sent by Cap^t Greenwells Ship under Care of M^r Charles Ridgley in Answer to your provinces Order in Gov^r Nicholsons time since when I have had severall more remittances of Bills Ex^ch from Esq^r George Plater to make Good his Ballance due, and have by this Bearer Cap^t Burford returned him thereof protested to Value of 76. 6. 3 so that his debt still is not made good which hinders my sending your Governm^ts Order he still promiseth to send more Bills which if Coms will Compleat my Comission and send it by Cap^t Whitehorne who will Sayle hence in a months time after this, and is to ride in Seavern River however in reguard that the Bills Exch Sent by his Ex^cy late Governo^r Nicholson in Councill for 250^l being all good I designe to send that Value as by my first Order and will also by the same Conveniency, send as farr of my other Order on Esq^r Platers Ballance as shall have Effects in my hands for that purpose in any thing and att all times that I Can serve

Your Ex^{cy} and your Governm^{t} here, none shall be more Willing ready and faithfull then me who allways will Endeavour to deserve the hono^{r} of being Original Journal.

Your Excellencys most Obedient
most faithfull & humble serv^{t}

May it please your hono^{rs}

Lond^{o} the 26th Ian^{ry} 1698/9

The Above are Copys of what I heretofore sent you by M^{r} Charles Ridgly and Cap^{t} Burford both of which I hope are Come to your hono^{rs} hands I now Confirme them by sending in full the Order of yo^{r} honble Board in time of his Ex^{cy} late Cov^{r} Nicholson as ꝑ inclosed Invoyce doth more fully appear to be an Acc^{t} of such your Remittances for Value 252: 13: 06 whereon will be due 2. 13. 4 to me which shall Continue the province Debto^{r} for in reguard I had remitted me but Iust 250: 00: 02 for this Acc^{t} I also now send an Acc^{t} of Esq^{r} George Plater's remittances as ꝑ Invoyce for Value 141: 8: 4: on w^{ch} Acc^{t} the province stands Indebted to me 13: 03: 04 for his good remittances on this Acco^{t} is no more then 128: 05: 00 as underneath for these two remittances together p. 40 15: 16: 08 to me due shall not doubt of yo^{r} hono^{r} repaying me, In yo^{r} Letter Invoyce I have fully Compleated your hono^{r} Order of what was formerly a wanting in the Arms and Amunition that was to have been sent and besides these have also sent Arms fitt for 16 Compleat Granadeers and 16 Compleat Carbineers which are more as your hono^{rs} will see then I have money for I wish these and the rest may Come Safe and th^{t} they may be to yo^{r} Hono^{rs} well likeing which I have by my Care Endeavoured for they Come as ꝑ Bills of Ladeing by the Eliz^{a} and Martha Cap^{t} Bartho: Whitehorne who is to ride with Ship att Seaverne which I hope will suite for Conveniency I have again sent the Bullett moulds ꝑ this Bearer Cap^{t} Whitehorne who I desired to deliver them Carefully inclosed is Cap^{t} Silvers directions Concerning the Nature of the Hand mortars unfixing the Granado shells, as also a proportion for makeing yo^{r} fusers to w^{ch} will referr you, have sent two Rasps ꝑ his direction to fitt the fusees in the shells and he also has sent 150 fusees ready fitted and prepared 2 Granado shells for yo^{r} better Knowledge as in Chest N^{o} I may be found when more Bills Exch^{a} Coms from Esq^{r} Plater will therewith further Comply with yo^{r} Hono^{rs} former Order, the reason of paying so great freight for the powder is because that we were forced to have a particular powder Room made for it and its allways reckoned double the freight of other sorts Goods as yo^{r} province may have need I shall be glad of

Original Journal. your Hono^{rs} farther Commissions and none shall be more Iust ready and willing to my uttmost to serve your Hono^{rs} and province in Generall then me

Your hono^{rs} most faithfull most
obedient and most humble serv^{t}
Isaac Miller.

Acc^{t} of what Bills Exch were remitted me ꝑ Esq^{r} George Plater for the use of the province of Maryland since December 1697 Viz^{t}

	£	s.	d.	
p. 41	£ 5.			ꝑ Tho: Blake on Cap^{t} Iohn Hyde
	£ 8.	1.		ꝑ Iob Evans on M^{r} Perry
	£ 30.			ꝑ Walter Smith on M^{r} Paggen
	£ 33.			ꝑ Iohn Ridgen on Ditto Paggen.
	£ 24			ꝑ Rich^{d} Bennett on Edw^{d} Lemmon
	£ 19			ꝑ Sam^{ll} Pacy on Ian^{a} Scarth
	£ 9.	4.		ꝑ Iames Smith on peregrine Brown.
	£128.	5.	0	
	£ 2.	16.		Iames Mitchell on William Warner
	£ 17.			ꝑ Wiłłm Curtis an Iohn Christmas and Geo: Buck of Ditheford
	£ 24.	14.	6	ꝑ Iames Smith on Anth^{o} Stratton
	£ 29.	16.		ꝑ Andrew Parker on Geo Iune
	£ 76.	6.	6	These I have returned him protested ꝑ the Iames Cap^{t} Burford.
	£204.	11.	06	is the whole sent

Errors Excepted
Isaack Miller.

London the 26th Ian^{ry} 1698/9.

Invoyce of Goods shiped by Isaack Miller on Board the ship Elizabeth and Martha Cap^{t} Barth^{o} Whitehorne Com̄ander for Maryland for the proper Acc^{t} and Risque of his Matys province of Maryland and are Consigned to his Ex^{cy} the Governo^{r} and Councill of the said province for the time being, Viz^{t}

An Acc^{t} of the hono^{ble} Governo^{r} Nicholson and Councill their Remittances Viz^{t}

		l.	s.	d.
	In a Chest with Cord Cost	00.	13.	06
p. 42	12 Rheam of Duch Demy Cargo paꝑ all inside quires ruled with red Ink att 30^{s}	18.	00.	00

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	l.	s.	d.
320 Runletts of fine pistoll powder each 25^l is 80 whole Barrells att 43^s ꝑ Barr^ll	172.	00.	00
4 Casqus Barr lead ł			
N° 1. 4. 1. 24 ss 9½			
2. 4. — 2 ss 10½			
3. 4. 3. 11 ss 09½			
4. 3. 1. — ss 11½			
16. 2. 9 } 16. 0. 24 att			
Tare 1. 13 } neat 12. 9. l —	10.	06.	09
for the 4 Lead Casques att 12^d	00.	04.	00
payd Custom for the powder and Lead.	09.	00.	00
Charges for Cocquetts & Searchers ffees.	02.	03.	00
paid for the 320 powder Runletts att 12^d	16.	00.	00
paid for Charges of fitting and heading	01.	01.	00
for Cording of Chest, porters and loading and Cartige to the Keys	00.	02.	00
porters shiping Wharfage and boat hire on Board	01.	05.	00
for freight & primage hereof being in the whole Computed att 5 Tons a powder Room being built on purpose therefore, I payd	15.	15.	00
	246.	10.	03
My Comission of 246. 10. att 2½ ꝑ Cent	6.	03.	03
Erro^rs Excepted ꝑ Isaack Miller	252.	13.	06

Lond° 26th Ianuary 1698/9

Invoyce of Goods shiped by Isaack Miller on Board the Ship Elizabeth and Martha, Barth° Whitehorne Comander for Maryland for the proper Acc^t and Risque of his Matys province of Maryland and are Consigned to his Ex^cy the Governo^r and Councill of the s^d province for the time being p. 43
These an Acc^t Esq^r George Plater his Remittances Viz^t

	l.	s.	d.
In one Chest with Cord Cost	00.	13.	06
16 Hamer Hatchetts att 18^d	01.	04.	00
2 Mattocks att 2^s 8^d	00.	05.	04
1 pick Ax.	00.	03.	00
2 Rasps to fitt the fusees att 18	00.	03.	00
25 Cartouch Belts and frogs att 10^d	00.	06.	08
16 Spare Frogs for Bayonetts	00.	05.	04
18 Granadeer pouches att Bells att 6^d	05.	08.	08
16 Tin Match boxes att 4^d	00.	05.	04
16 Cartouch boxes att 2^s 4^d	01.	11.	04
16 D° with 3 Doz. Charges 3^s 4^d	02.	13.	04
16 Granadeer Swords att 5^s	04.	00.	00

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	l.	s.	d.
16 Bayonetts att 18^d	01.	04.	00
19 Carabine Belts att 3. 6.	03.	06.	06
16 Sword belts att 2. 6.	02.	00.	00
6 brass Trumpetts att 2^l 6^s	07.	16.	00
łs.	33.	11:	04
N° 2: 3. Two Casques Cost	00:	09:	00
6 Dragoon Drums and sticks att 14^s	04.	04.	00
6 paire of heads att 3. 6.	01.	01.	00
6 ꝑ^r Snares att 6^d	00.	03.	00
N° 4: 5: In 2 Cases with Charges in hooping Cost	00.	15.	00
56 fusees with round locks Walnutt tree Stocks with Straps att 17^s	47.	12.	00
18 Carabins with Wallnut tree Stocks and round locks	13.	10.	00
16 paire horse pistolls with round Locks brass Caps att 17^s	13.	12.	00
90 Worms	00.	05.	00
12 Irons to Streighten the Barrells 18^d	00.	18.	00
	82.	09.	00
N° 6. 7. 8. In 3 Casque Cost	00.	17.	00
5 Q^t new Match att 21^s	05.	05.	00
paid Wateridge	00.	01.	06
ł	06:	03:	06
	122.	03.	10
p. 44 6 Small Runletts 9^l 3^{ll} Bulletts	02.	07.	00
for y^{ll} 6 Runletts att 4^d	00.	02.	00
	02:	07:	00
paid for Custom hereof	02.	11.	00
Charges for Cocquetts and Searchers ffees.	01.	05.	00
Porters Cording of Chest loading and Cartridge of the Goods to the Keys	00.	05.	06
Porters shiping Wharfage and boat hire on Board.	00.	11.	00
paid freight hire of being 2½ Tuns and prinage	05.	10.	00
	10.	02.	06
paid and Spent with Cap^t Silver on this Acc^t	03.	06.	06
My Comission of 137: 18. 04 att 2½ ꝑ Cent.	03.	09.	00
	141.	08.	04

26 Ian^{ry} 1698/9

Original Journal.

Erro^{rs} Excepted ꝑ me Isaack Miller.

Severall of the said Arms being brought before the Board and the Gent^{n} haveing well viewed them are of Opinion tha^{t} they are very bad and all most useless.

And his Ex^{cy} the Governo^{r} is Desired to send for Twenty Musquetts with good Strong English fashioned Locks with Back Ketches, Twenty Carabins of high Calvin boar three foot 2 Inches long with Belts, Barrs, & Suivills

By his Ex the Governo^{r} and Councill in Assembly,
Iuly the 6th 1699.

Herewith is Sent you M^{r} Isaack Miller's Letter ab^{t} Arms and Amunition as likewise the Acc^{t} of what has Come in since his Ex^{cys} Arrivall here and it is referred to your Consideration to advise and give your opinions how the said Arms p. 45 and Amunition should be distributed and disposed of and whereas there are three hundred and odd q^{r} Barrells of Gun powder come in this Year which is thought too great a quantity and may be in Danger of being Spoyled and Damnifyed before it be made use of. Whether it may not be Convenient that ab^{t} 50 Barrells of the said powder should be sold either for ready Bills of Exch or to be returned in kind.

Signed ꝑ Order
W Bladen Cl Concil.

Then Came Maj^{r} Smith and M^{r} Hicks with a Message from the house as followeth Viz^{t}

By the house of Delegates Iuly the 6th 1699.

According to a former Message from yo^{r} Ex^{cy} & Councill this house have Called Maj^{r} Edward Dorsey before them and required of him whether he would Submitt to such fine as this Gen^{ll} Assembly shall Impose upon him for his neglect and definency in not Carrying on and finishing of the Church to be built in the Town and porte of Annapolis according to the Contract and Agreem^{t} made with him or whether he would stand a Suite att Com̄on Law to be Comenced ag^{t} him to Recover such Damages as the Country has Susteined for want of the said Church work being Carried on & Compleated according to his said Contract, whose Answer was possitive that he would Submitt himselfe to whatsoever fine this Generall Assembly should Impose upon him for his not Carrying on Compleating and finishing the s^{d} Church provided he might

Original Journal. be discharged from further prosecuteing the building of the said Church Whereupon this house have resolved that the s^d^ Maj^r^ Edward Dorsey shall refund to this province all the p. 46 money by him rec^d^ on Acc^t^ of building the s^d^ Church and that he in Consideration of his failure in Complying with his Contract and Agreem^t^ made for the finishing the said Church be fined the Sum̃e of Two hundred p^d^ Sterl and Surrender what work is by him due towards the foundation of the said Church and that the s^d^ Maj^r^ Edw^d^ Dorsey be discharged from the building of the said Church and that M^r^ Thomas Fielder and M^r^ Henry Crofts be disengaged from that part of the Agreem^t^ made with the said Dorsey in relation to the s^d^ Church if yo^r^ Ex^cy^ and his Matys hon^ble^ Councill shall be pleased to Concurr therewith

Signed ꝑ Order
C Gregory Cl house Del.

Whereto the following Answer was Sent to the house

By his Ex^cy^ the Governo^r^ and Councill Iuly the 6^th^ 1699

His Ex^cy^ and this Board Concurr with the houses resolves therein onely as to the fine it is referred to the Consideration of the house Whether it shall be Two hundred pounds Sterl or any thing less as they think Convenient

Signed ꝑ Order
W Bladen Cl. Concil.

Then Came from the house Maj^r^ Thomas Smith Col Thompson, M^r^ Smith, M^r^ Wiłłm Harris, Cap^t^ Philip Hoskins and M^r^ Sanders and brought the following Message viz^t^

By the house of Delegates Iuly the 6^th^ 1699.

The message by the honbłe Col Henry Iowles and Thomas Tench Esq^r^ was here rec^d^ and read And this house humbly prays that your Ex^cy^ will be pleased to appoint some of the Gent^n^ of his Matys honbłe Councill to Ioyne in Conferrence with some of the members of this house to Consider whether it be necessary to Compose any Law to regulate the Chancery p. 47 proceedings as is recomended in the said Message, And this house have appointed, Maj^r^ Thomas Smith, Cap^t^ Philip Hoskins Col Iohn Thompson, M^r^ James Saunders, M^r^ Walter Smith and M^r^ Wiłłm Harris to Ioine in such Conferrence and to Attend such of his Matys honbłe Councill as yo^r^ Ex^cy^ shall be pleased to appoint and to Attend them att such time and place as they shall direct.

Signed ꝑ Order
Chr. Gregory Cl house Del.

Original Journal.

Col Henry Iowles and Robert Smith Esqr are appointed to Joine with the members of the house Appointed of a Com̄ittee to Consider whether it be necessary to Compose a Law to regulate the Chancery proceedings.

The Board Adjourned till 8 of the Clock to morrow Morning

Iuly the 7th 1699.

The Councill Sate, present as yesterday.

Thomas Tasker Esqr is sent By the Board to the house to have Some of the members Come up to see the Treasurers and Navall Officers sworne to their Accompts.

Doctr Iacob Lockerman and Mr Samuel Young Come from the house to see them sworne.

And it being moved by a member of this Board tht Mr Robert Masons Suspension be taken off, and tht he be readmitted to officiate as publick Treasurer of the Western Shoar being thought well qualifyed for that Trust which Sd Suspencōn was accordingly taken off.

Mr George Plater, Mr Willm Dent Mr George Muschamp, Mr W Bladen and Mr Thomas Collier do severally make Oaths to theire Navall Officers Accompts.

Then Came Mr Campbell and Mr Lane from the house with the following Message Vizt

By the house of Delegates Iuly the 7th 1699. p. 48

Whereas by an Act of Assembly of this Province Impowering severall Trustees to purchase fifty Acres of Land in St Marys County Adjacent to and in which the healing fountains of Waters Called the Cool Springs should be included there has been by the said Trustees by the said Act Impowered fifty Acres of Land adjacent to and in which the sd Cool Springs are included purchased of Mr Iohn Dent of St Marys County the said fifty Acres of Land and for fear of Death or other Casuality this house has taken Care to gett a firme Conveyance Drawn for the sd Land and do purpose to send one of the Members of this house to have the same Conveyed by the said Iohn Dent and his wife which Conveyance we have herewith sent for your Exeys and the Councills perusall desireing it May be referred to his Matys Attorney Genll for his Approbation thereof.

And further this house have sent therewith an Order on Mr Robert Mason publik Treasurer on the Western shoar for the paymt of the money in the said Indenture Specifyed according to the Contract Made with the said Trustees which order of your Excy and his Matys honble Councill will be pleased to

Original Journal. Concurr with and signe the same this house will do the like and dispatch the said Messenger that the same may be Compleated and this house further Consider how to dispose of the remaining part of the money Assigned for tht use

Signed ꝑ Order
Chr. Gregory Cl house Delegate

The following Message sent from the house by Dor Iacob Lockerman and Mr Ino Carvile Vizt

By the house of Delegates Iuly the 7th 1699.

p. 49 The Message by the honble Charles Hutchins and Robt Smith Esqr has been here recd and read and this house and this house has perused Mr Isaack Millers Letter and Accts and are of opinion that the Arms which are Come in Since his Excy Arrivall be Lodged in the Generall Magazine att the porte of Annapolis Except the Drums and Trumpetts which it will be necessary to dispose of to the Severall Countys where the same are wanting for that the Delegates of Cæcill Baltemore Dorchester and St Marys Countys have reprsented to this house that those Countys are not Supplyed with nor have they any such Warlike Instruments among them:

And as for the three hundred and odd qr Barrells of Gunpowder this house do think it Adviseable for the prventing of the Same being Spoyled or Dampnifyed that twelve Qr Barrells of Gun powder be sent to Each respective County to be lodged for the Countys service and that the same be distributed us the said Countys according to the discretion of the Colonel or other principall Military Officer of the sd County and that Seaven whole Barrells of the said Gunpowder be Lodged in the aforesd Generall Magazeen to be ready on any Emergent Occasion the remaining part to be Equally Distributed and sent to the Severall Colonels or other principall Military officer of the said Countys to be by them disposed off and they to be Accomptable to the Genll Assembly of this Province for the proceeds thereof or otherwise disposed of as your Excy and Councill shall think Convenient the produce thereof being for the publick use

Signed ꝑ Order
C Gregory Cl house Del.

The following Answer thereto sent by the Honble Thomas Tench Esqr Col Iohn Addison and Mr Attorney Genll together with the Ordinance for paying 25l sterl to the Cool Springs the Indenture for purchaseing the Land there, and the Attry Genlls opinion upon the sd Indenture. Vizt

By his Ex^{cy} the Governo^{r} and Councill in Assembly
Iuly the 7th 1699.

Original Journal. p. 50

The Message by D^{r} Lockerman and M^{r} Carvile being read and Considered his Ex^{cy} and this Board do Concurr with the house in their oppinion to the Disposal of the said Arms and Amunition and that Cæcill, Baltemore Dorchester and S^{t} Marys as well as the other Countys wanting Drums and Trumpetts may be furnished therewith as farr as they will Goe there not being Enough to furnish all the Countys his Ex^{cy} will take Care to send for more As to the Gen^{ll} Magazine This Board do say that the Arms may be well and Conveniently Lodged in the State house but as to a place appointed for a Generall Magazine for Amunition of powder &c the Board do not know of any however his Ex^{cy} will take care to have them Securely Lodged. The house is desired to Value the powder they Expect should be sold that the respective Officers who are to dispose thereof may the better know what will Answer the Country's Expectacōn therein.

Lastly it is thought Adviseable that the Arms and Amunition to be distributed to the severall Countys be now sent by the Delegates thereof.

Signed ꝑ Order
W Bladen Cl Concil.

The Board Adjourned till to morrow morning att 8 of the Clock.

July the 8th 1699.

Councill Sate, p^{r}sent as yesterday.

Cap^{t} Richard Hill, M^{r} Miller and 10 other members Come up from the house with a Bill for Ascerteining the Bounds of Lands, And Acquaint his Ex^{cy} that if any thing Impede the passing the s^{d} Bill a Conferrence might be Appointed wth some of the Members of this Board & the houses whereto the p. 51
following Answer was sent to the house.

By the Councill in Assembly Iuly the 8th 1699.

The Bill for Ascerteining the Bounds of Land has been here read and Considered which Appears to be the Effect of a Noble Generous and diserning mind and Shews your Resolution and Strong Abilitys made the Country Good and it is firmly believed that a fairer Step to the future peace and Tranquility of this province Can̄ot well be made then what the Intent of this Bill propounds.

But forasmuch as the Subject thereof is of great weight and moment and should be the work of time and Consideration it

Original Journal. is therefore recomended to your house that the said Bill may rest in Custody of your Clk and that Copys of it be sent to the Iustices of each County Court for their thoughts thereon by which means as well the Dellegates of your house as the members of his Matys honble Councill may deliberate & Consult thereof and the Genll mind of the Country be found upon so great a Change as this will make in Order to a full Continuacōn of this good work att next session of Assembly But nevertheless this Board is ready to Ioyne in Conferrence as Desired upon that Subject.

Signed ꝑ Order
W Bladen Cl. Concil.

Came Mr Campbell, Mr Ennalls, Majr Smith and Mr Willmer with three Bills, one a Saveing to the Lord Baltemores Bonds. A Bill Impowering Benja Williams and his heires to sell Joseph Williams Lands read the first time. A Bill for Transferring the Officers Debts to the publick in Somersett County to Majr Whittington read likewise the first time.

Upon reading the Bill for Salvo of the Ld Baltemores Bonds and Bills, the said Bill is rejected and it not being thought fitt p. 52 further to Indulge his Lordship then other his Matys Good Subjects of this province for that his Ldp has it att his Own Election either to Imploy some ꝑsons to gett his Bonds and Bills renewed or otherwise to putt them in Suite.

Came Mr Sanders and Mr Tilghman with the Reporte of the Comittee for regulateing the Chancery proceedings which is as followeth Vizt

Iournall of the Comittee Appointed to Conferr wth some of his Matys honble Councill whether it is Necessary to Compose any Law to regulate the Chancery proceedings held att the porte of Annapolis the 7th day of Iuly Ano. Dni 1699.

present

Col Henry Iowles Robt Smith Esqr	of the honble Councill
Majr Thomas Smith Capt Philip Hoskins Col Iohn Thompson Mr Iames Sanders Mr Walter Smith Mr William Harris	of the house of Delegates.

The Comittee being mett they made Choice of Major Thomas Smith for Chairman.

The Comittee haveing Considered and Maturely deliberated

Original Journal.

the premisses they have thought it Absolutely necessary to Compose a Law to Regulate the high Court of Chancery for these reasons.

1st That his Maty by his Royall Com̄ission to his Excy haveing enjoyned him to be keeper of the Seale of this province is thereby Chancellor and that by Virtue of a former Law is a particular and Distinct Court And that the Govr and Councill for hearing of Writts of Error and Appeals from the Provintiall Court is an Other distinct Court, so that the Governor and Councill will be one and the same Iudges in both p. 53 Courts.

2dly That by the former Law, if any person upon the Chancellory Decree or Determination of any Matter, thought himselfe aggrieved he should pray to the Governor and Councill for reviveing and Rehearing the same so that they are still the Same Iudges.

To prvent which Inconveniency we humbly offer these our opinions to this honble house that they will make Some Law or prscribe other means as they shall think most Necessary

Signed ꝑ Order
C. Lomax Cl Com̄ittee

On the Backside whereof was thus Endorsed Vizt

By the house of Delegates Iuly the 8th 1699.

May it please Yor Excy

We have recd the Reporte of the Comittee Appointed to Consider of the Composeing of a Law for regulateing the Chancery proceedings this house Concurrs in opinion that all the Inconveniencys mentioned in the said Reporte will fall upon us by the Same individuall persons being Iudges in Chancery & Appeals, And in reviews we are not Willing to Offer yor Excy any temporary Act being Contrary to his Matys inclinations and Instructions nor are we willing to be bound by a perpetuall Act to Inconveniencys which we cannot diserne But make our Addresses to yor Excy you will soe dispence Your Com̄issions with the Advice of his Matys honble Councill that the three differring Authoritys mentioned in the said Reporte may not Interfere one with another nott that the Same individuall persons be Iudges in the Same Cases.

Signed ꝑ Order
Chr: Gregory Cl house Del.

in Answer to the Above Message Reporte & Indorsemt was p. 54 this sent as follows Vizt by Col Iohn Addison and Thomas Brook Esqr

Original Journal. By his Ex^cy the Governo^r and Councill in Assembly
Iuly the 8^th 1699.

Gent^n

Your message by M^r Saunders and M^r Tilghman I have Comunicated to his Matys honble Councill who upon Consideration of the Subject, advise.

1. That as his Matys pleasure is that I shall keep so Likewise that I shall use the publick Seale and that necessaryly Imploys my hearing and Iudgeing of Chancery Causes with such Assistance as shall be required.

2. That for that purpose two of his Matys hon^ble Councill shall be Ioined with me for my Assistance therein.

3. That if any person rest not satisfyed with any Decree they shall have Liberty to Exhibite their Bill of Review in the Determining whereof I shall have the Advice and Assistance of a full Quorum of his Matys hon^ble Councill not less then five in Number.

4. That if either party are dissatisfyed with such finall Decree they may Appeale to his Maty in Councill according to his Royall Instructions in that point if the Matter in difference amount to the Sum̄e Limitted.

5. That if it be doubted any Inconveniency may Arise by this Method the Law may for once by his Matys Royall Instructions be made Temporary till time and Experience in the practice has gain'd Approbation; or not.

Signed ꝑ Order
W Bladen Cl Concil.

Came M^r Symon Wilmer and 4 other Members from the house with the following Message.

By the house of Delegates Iuly the 8^th 1699.

p. 55 The houses Message by the honble Col Iohn Addison and Thomas Brook Esq^r was here Received and read and this house humbly rep^rsent that as well the last Session of Assembly as this p^rsent Sessions the Law for Ascerteining the Bounds of Land was Maturely and Deliberately Advised on by a Comittee Especially selected Consisting of one of the Most knowing in Land Affairs and Chosen out of the Delegates and Rep^rsentatives of each respective Countys and for the referring of a Matter of so great Importance to the Iustices of the respective County Courts and to such a popular Approbacōn it is feared that the true intent and meaning thereof will be Strained according to the private Interest of Severall private ꝑsons Contrary to the true Intent and meaning of the said Bill therefore this house humbly prays that yo^r Ex^cy will be pleased to Appoint Some of his Matys honble Councill to Ioine in Conferrence with Some of the members of this house further to Consult thereof. Original Journal.

Signed ꝑ Order
Chr. Gregory Cl house Del.

In Answer thereto sent as follows

By his Excy the Govr & Councill in Assembly
Iuly 8th 99.

Appointed of the sd Conferrence, Col Iohn Addison, Thomas Brook Esqr Robt Smith Esqr Fran: Ienkins Esqr and Majr Iohn Ham̄ond to Conferr with the Members to be appointed by the house att such time as the house give notice on Munday Morning next

Signed ꝑ Order
W Bladen Cl Concil.

Mr Young and Mr Lockerman Come up from the house to see Col Thompson and Mr Bozmane sworne to yr Navall officers Accts

By the house of Delegates Iuly the 8th 1699.

The Message by the hónble Thomas Tench Esqr and Col Iohn Addison was here recd and read and this house do Concurr with your Excy and Councill for the Lodgeing of the said Arms and Amunition and Returne your Excy the thanks of this House for your Excys Care in Secureing the said seaven p. 56 Barrells of powder and for the Remaining part this house humbly Conceive that it may be sold for fifty shillings ꝑ Barrell and that the Chiefe Military officers who shall have the Disposall thereof be accomptable for the same att such prizes Except your Excy be pleased to dispose thereof

Signed ꝑ Order
Chr. Gregory Cl house Del.

The Board Adjourned till Munday Morning att 8 of the Clock.

Iuly the 10th 1699.

Councill Sate prsent as on Saturday last

Except Col Henry Iowles & Tho: Tench Esqr fell under Consideration the regulateing the Comissions of the peace &c.

Mr Robt Mason Treasurer of the Western Shoar appears att the Board, Col Francis Ienkins is sent down to the house for two of the members thereof to Come up and see the sd Mason sworne.

Original Journal. Whereupon Came Col Iohn Thompson and Maj^{r} Walter Smith and saw him Sworne.

Then The following Message from the house was sent Viz^{t}

By the house of Delegates Iuly the 10th 1699.

This house have Appointed M^{r} Symon Willmore, M^{r} Thomas Ennalls M^{r} Iohn Lowe, M^{r} Benjamin Hall, M^{r} Io^{n} Carville Maj^{r} Thomas Smith, M^{r} Michael Miller, M^{r} Richard Tilghman and M^{r} Edward Lloyd to Ioyne with the Gent of his Matys honble Councill in the Conferrence Concerning the Bounds of Lands and that they are now ready to Joine in the said Conferrence

Signed ꝑ Order
C Gregory Cl house Del.

As also the following Message was sent by M^{r} Ashman and M^{r} Bozmane Viz^{t}

By the house of Delegates Iuly the tenth 1699.

Upon the reading of the reporte of the Comittee of Aggrievances in relation to Col William Pierce high Sherriffe of Cæcill County of whom they have Complained for returning the Lists of Taxables in two Severall years short of the number to him returned by the Constables forty five Taxables and that in the year of our Lord 1698 he did Add to the publick leavy in Cæcill County ¾ of a pound of Tobbacco ꝑ poll This house have Called the said William Pierce before them and Examined him Concerning the Same who Acknowledgeing the fact This house has resolved that the said Comittee of Aggrievances do inquire how much Tobbacco the s^{d} William Pierce has received from the Country by the means af^{d} and that the said William Pierce shall refund to the publick so much Tobbacco as shall be found by him to be rec^{d} so as af^{d} and that the said William Pierce be fined for such his Misfeazance one Thousand pounds of Tobbacco Towards the defraying the publick Charge of this province if yo^{r} Ex^{cy} and Councill shall be pleased to Concurr therewith. p. 57

Signed ꝑ Order
Chr: Gregory Cl house Del.

To which was Sent the following Answer by Col. Io^{n} Courts Viz^{t}

By his Ex^{cy} the Governo^{r} and Councill Iuly the 10th 1699.

The houses Rep^{r}sentation relateing to Col William Pearce Abuseing the Country Sent by M^{r} Ashman and M^{r} Bozmane has been here read and Considered and as to the houses Resolves therein and the fine proposed to be Imposed upon the said Pearce this Board do Concurr and Assent thereto Original Journal.

Signed ꝑ Order
W Bladen Cl. Concil.

The Board Adjourned till 2 of the Clock in the afternoon

Post Meridiem

The Councill Sate: Absent Col Hen: Iowles & Thom: Tench Esq^{r}

Came Cap^{t} Waughop and 11 more of the houses Members who bring the following Reporte Viz^{t} p. 58

Upon a Conferrence Appointed of Some of the Members of his Matys honble Councill as also of the house of Delegates to Consider on a Certein Bill relateing to the Bounds of Lands.

Do hereby Certify that the said respective Members have Iointly Considered the Same and do Approve thereof

Edw^{d} LLoyd
Iohn Lowe
Thomas Ennalls
Thomas Smith

S: Willmer
C. Miller
Io^{n} Carvill
Benj^{a} Hall
Rich^{d} Tilghman

Io^{n} Addison
Tho: Brook
Iames Frisby
Rob^{t} Smith
Io^{n} Hammond
ffrancis Ienkins.

The said Bill being Endorsed thus Viz^{t} read the second time and will pass: Was sent down to the house by the Honble Col Iohn Addison, Thomas Brook, Iames Frisby, Rob^{t} Smith Esq^{rs} Major Iohn Hamond & Col Francis Ienkins.

His Ex^{cy} being Informed That Severall Indians were Come to Town which lately resided with the Empero^{r} of Piscattaway.

Ordered That the following Message be sent to the house Viz^{t}

By the Governo^{r} & Councill in Assembly
Iuly the 10th 1699.

Severall Indians which lately resided and Consorted with the Empero^{r} of Piscattaway and his Indians being Come to Town Notice is hereby Given you thereof And you are desired to send Liev^{t} Col Smalwood and such other of your Members as you think fitt to hear the said Indians discoursed and treated with to Morrow Morning.

Signed ꝑ Order
W Bladen Cl Concil.

The Board adjourned till to morrow morning 8 a Clock.

Original Journal. Iuly the 11th 1699.

p. 59 The Councill Sate Absent Col Henry Iowles Tho: Tench Esqr & Majr Ion Ham̄ond.

Moved by a Member that Whereas the Clarke of this Boarde had been at much Trouble and Charge in drawing and Writeing Com̄issions for the Military Officrs and Com̄anders of the Militia throughout the whole province now intended by his Exncy the Govr to be Comissionated which are very Considrable in number near three hundred that the Americamts in the provinciall Court (by law to be disposed of by his Exncy the Govr and Councill) be granted him by Ordr from this Board as was Usuall to the former Clarke his predecessor

Whereupon Ordered That the said Americamts be by the Clarke of the provinciall Court drawne out upon Oath, and that the lists thereof be delivered to the said W Bladen before the last day of Octob. next to be sent with Executions to the severall Sherriffs by them to be collected and paid to the said Willm Bladen as a Recompence for such his Service in drawing out and writing the afd Com̄issions, This Boarde being Sencible that none of the Officers Comissionated will pay him any thing for writing the sd Com̄issions

Col Iohn Thompson Mr William Harris Mr Elisha Hall Mr William Hutchison Mr Samuel Young, and Mr Iames Smallwood according to the message last night sent to the House Come to hear the Indians discoursed and Treated with

Came by Mr Benjamin Hall & Col Ninian Beale the Resolves of the house for giveing Mrs Mary Fielder Twenty p. 60 pounds Sterl. And selling the officer Tobbo in Charles St Marys and Calvert Countys for six shills ꝑ Cent.

The Indians being Come before the Board; are Asked If the Emperor of Piscattaway knew of their Coming? who say yes:

They are asked if they Intend to sitt down among us? who say, yes: Asked if the Emperor Intends to Come in? they say they believe so, for that the Indians understand that a new Governor is Come and they hope for Good news.

Lievt Col Smallwood says these Indians were part of those which Governor Nicholson obliged to live under the Emperor and that now Twenty of the men are Come in.

The said Indians are told that those of them that are Come in will be reputed friends, but those that refuse Enemies.

The Indians are bid to lett the Emperor know that if he will Come in with his Indians and sitt down Quietly, his Excy will ratify the Articles of peace with them.

The sd Indians are Asked if they have any thing to say to his Excy who say not, further then onely to see his Excy and hear what he has to say to them. And Acquaint his Ex^{cy} that they Intend to sitt Down att Pomunkey Original Journal.

The names of the Indians are Wawpad a piscattaway als Dan^{l} Powkekeinas als Iames a pomunkey, Chach Chehue a pomunkey, Nempehee a Mamazine.

Who Complaine of their Cornfield fences being pulld Down, And when they kill any Deer near an English mans Land the English threaten to beat them.

The Indians say that Esq^{r} Tom is with the Empero^{r} of piscattaway.

His Ex^{cy} proposes to the Board whether it might not be Convenient to make some p^{r}sent to the two Chiefest of them, p. 61 which is thought Adviseable and his Ex^{cy} Orders Col Smallwood to go to M^{r} George Iacksons Store and buy them some thing that may be acceptable to them.

Advised that the following Message be sent to the house of Delegates by Maj^{r} Iohn Ham̄ond and Thomas Tasker Esq^{r}

By his Ex^{cy} the Governo^{r} & Councill in Assembly
Iuly 11th 1699.

Upon the Examination of the Indians this day before the Board, we Cañot well learne the Certeinty of what may be the designes and Intentions of the piscattaway Accokick Indians whether they will Come in or not and so Consequently ꝑsist in their Disturbances, The Quiett of this province & the security whereof well deserves your p^{r}sent Consideration or that you would Appoint Some of the members of your house nearest adjacent to this place to Ioyn with and Assist his Ex^{cy} and this Board in Adviseing & Converting such Measures as will Suppress any Violence which they may hereafter offer to this province at such time when it will not be Convenient or possible for your house so suddenly to meet as such Emergency requires.

Signed ꝑ Order
W Bladen Cl. Concil.

The Board adjourned till 2 of the Clock in the Afternoon

Post Meridiem.

The Councill Sate Absent Col Henry Iowles. Thomas Tench Esq^{r} came and took his place att the Board

Read the petition of M^{r} Philip Lynes Concerning his Claime of 52109^{ls} of Tobbacco in the year 1692 which was thus Endorsed Viz^{t}

Original Journal.

By his Ex^{cy} the Governo^{r} & Councill in Assembly
Iuly the 11th 1699

The within petition haveing been here read and the petitioners Claimed Considered of, This Board are not Sencible that he ever as yett rec^{d} any Satisfaction Tho: it is observed to the house that upon a Mistake made in the publick Leavy of 10000^{l} of Tobbacco in the year 1692 he was Ordered 15000^{ls} of Tobb^{o} in full Satisfaction of that Claime by the Governo^{r} & Councill yet in the year 1694 th^{t} order was disallowed of and the Tobb^{o} taken out of his hands so that upon due Consideration that the Severall persons who rec^{d} those his Accomodations were of the Councill Convention and other publick officers Called down to S^{t} Marys upon his Ex^{cy} Governo^{r} Copleys Arrivall here to Surrender up the Governm^{t} It is recomended to you to have a favourable reguard to the petition^{r} in Granting him such Iust reliefe as this his Compl^{t} deserves.

p. 62

Signed ℘ Order
W Bladen Cl Concil.

Came Maj^{r} Smith and M^{r} Benja^{n} Hall from the house for Some of the members of this Board to Come down and have M^{r} Greenfield sworne.

Thomas Tasker Esq^{r} & Col Francis Ienkins are sent to have him sworne.

The Board adjourned till 8 of the Clock to morrow morning

Iuly the 12th 1699.

Councill Sate Absent Col Henry Iowles and Thomas Brook Esq^{r}

Complained by the hon^{ble} Col Iohn Addison that a fi: fac: being Delivered to the Sherriffe of Talbott County, said Col Addison ads Edmundsons Ex^{rs}, And Col Addison and Major Dents Bond to secure him harmless, he had refused to Execute the said Writt

Ordered M^{r} Grundy be Sent for who Appearing says he
p. 63 did not think the Bond Sufficient to Indempnify him neither did he know it was acknowledged but being now better Satisfyed if Col Addison and Major Dent will Acknowledge the Bond and renew the Writt he will Endeavour to have it Effectually Executed.

Ordered That M^{r} William Bladen go and require M^{r} John ffreeman Register in Chancery to bring the Great Seale to his Excellency the Governo^{r} and Councill.

Came the s^{d} M^{r} ffreeman and delivered the Seale to his Excellency.

The following Message was sent from the house by M^{r} Staley and M^{r} Hicks viz^{t}

By the house of Delegates Iuly the 12th 1699. **Original Journal.**

The Message by the honble Iohn Ham̄ond and Thomas Tasker Esq^{rs} has been here rec^{d} and read.

Resolved that Cap^{t} Rich^{d} Hill M^{r} Sam^{ll} Young, M^{r} George Ashman M^{r} William Hutchison M^{r} Thomas Greenfield, M^{r} Walter Smith M^{r} Elisha Hall M^{r} Philip Hoskins and M^{r} Benjamin Hall or the Major part of them be appointed a Comittee to joyne wth and Assist his Ex^{cy} and his Matys hon^{ble} Councill in Adviseing and Concerting such Measures as will Suppress any violence which may be offered to this province by the Indians after the breaking up of this p^{r}sent Sessions of Gen^{ll} Assembly untill Such time th^{t} the s^{d} Gen^{ll} Assembly can possibly be Conveened and that a Bill be p^{r}pared for the Same

Signed ꝑ Order
Chr. Gregory Cl house Del.

The following Answer sent from the Board to the house by Maj^{r} Iohn Ham̄ond together with Maj^{r} William Dents pet^{o}

By his Ex^{cy} the Governo^{r} and Councill in Assembly
Iuly the 12th 1699.

The houses Message this morning sent by M^{r} Staley and M^{r} Hicks has been here rec^{d} read and Considered and it is very well approved of that the Bill proposed should be prepared

Signed ꝑ Order
W Bladen Cl Concil.

His Ex^{cy} lays before the Board that the Income of this parish is so Small that it dos not Allow any Suitable Encouragem^{t} to a good Divine to Supply the Cure.

The following Message sent to the house Viz^{t}

By his Ex^{cy} the Governo^{r} and Councill in Assembly
Iuly the 12th 1699.

It falling under the Consideration of this Board the great Advance that has been made by the Gen^{ll} Assembly of this province in the Religious worship of Allmighty God And that this place is become the seat of the Governm^{t} &c. w^{ch} thereby requires the Constant residence of Some Able and pious Divine being a place of great Concourse and where persons of the best noate and figure will frequently resorte besides the publick meeting of Courts and Assemblys but the parish of it p. 64

Original Journal. Selfe is so small and inconsiderable that it amounts not to any Suitable Encouragem^t to good meritt which hath Occasion his Ex^cy Since his Arrivall to require the Attendance of the Clergy by turns at this place which in winter is Conceived will be very Burthensom besides depriving their respective parishes.

And the reasons why this parish was laid out so small, was because it was allotted for the residence and Care of D^r Bray in whom upon his Arrivall the Comissarys Office was settled which would largly Supply the defficiency af^d

But forasmuch as the s^d Docto^r Bray after 3 years Expectation is not yet arrived nor has given any Assurance when he will Come so that this place without some Care be without a Cure &c.

It is therefore recomended to the house to joyne with this Board in Annexing the next Adjacent parish to this place which will make a Competent Supporte to some Able and discreet Divine to Come and reside here and performe such holy ffunctions as are requisite and becomeing the place

the above Mess: sent to the house by Tho: Tench Esq^r and Col John Addison.

Signed ꝑ Order
W Bladen Cl Concil.

The Board adjourned 'till 2 of the Clock in the afternoon

Post Meridiem.

Councill Sate p^rsent as in the forenoon.

Ordered by his Ex^cy in Councill That M^r Iohn West, M^r Rob^t Grundy, L^t Col Henry Low and M^r Iohn Taylor the Sherriffs of Somersett, Talbott, S^t Marys and Dorchester Countys be Continued in their Severall Offices for the year Ensueing and that Comissions be p^rpared therefore

Message from the house by Col Thompson & Capt^t Hutchison Viz^t

p. 65 By the house of Delegates Iuly the 12^th 1699

The Message by the hon^ble Thomas Tench and Iohn Addison Esq^rs has been here Considered and forasmuch as the parishes in this County are so well Settled we humbly desire to be Excused from Concurring with your Ex^cys and the honb^le Councills proposition in Annexing the next Adjacent parish to this But if your Ex^cy shall be pleased to Appoint some person of Desert in this parish and as it is represented to be inconsiderable to the neighbouring parishes yet as being a Resident here he will be ready to attend on the provinciall Courts and Assemblys And in Consideration of the Services this house will take Care to make him such Acknowledgem^ts^ as shall be together with his said Benefice a Sufficient Supporte for his Maintenance untill such time that some Methods may be found out to provide better for his Supporte Original Journal.

Signed ꝑ Order
Chr: Gregory Cl house Del.

Came Cap^t^ Moreland M^r^ Ashman and Col Hanson from the house.

And the said Cap^t^ Moreland Reportes that by Order of the house he had been with M^r^ Iohn Dent and tendered him the Conveyance to Acknowledge which he Absolutely refused, and denyed that he had made any Bargaine with the Country for the s^d^ Land.

Advised that a Message be sent to the house to lett them know that the Rangers have not any provision left, and whether the house Concurr with his Ex^cy^ and this Board that they should be kept out or not.

The following Message Sent ꝑ Col Iohn Courts and Iames Frisby Esq^r^

By his Ex^cy^ the Gov^r^ and Councill in Assembly
Iuly the 12^th^ 1699.

Gent^n^

It being rep^r^sented to this Board that the rangers lately raised by his Ex^cy^ for security of the Frontiers on potomack are not any ways Supplyed with provision to Subsist upon what they had from Annapolis being Spent, It is therefore recomended to you first to Consider whether or not the said Rangers should be Continued there, which if you Advice, then how they shall be Supplyed with Victualls &c.

Signed ꝑ Order
W Bladen Cl. Concil.

The Board Adjourned till to morrow morning att 8 of the Clock. p. 66

Thursday Iuly the 13^th^ 1699.

The Councill Sate Absent Col Hen: Iowles and Esq^r^ Brook

Maj^r^ Thomas Smith, Maj^r^ Iames Smallwood and the Members of the house Appointed of a Comittee to Consider of Indian Affairs bring the following Message

By the house of Delegates Iuly the 13^th^ 1699.

This house humbly Desires that your Ex^cy^ will be pleased to Appoint the Same Gent of his Matys honble Councill that

Original Journal. were before on the Comittee to Consider the Indian Affair to Ioyne Againe with the said Members of this house to Consider of the matters Concerning the Rangers being Called in or Some method being prescribed if the same shall not be Called in to Supply them with provisions

Signed ꝑ Order
Chr. Gregory Cl house Del.

Message by Mr Ashman and Capt Whittington from the house Vizt

By the house of Delegates Iuly the 13th 1699.

The Bills herewith sent were before this Sessions but temporary Acts and Expired the last Sessions and According to his Matys Royall Instructions are now made perpetuall without any other alteracōn and have been read twice in this house and Approved off.

Signed ꝑ Order
Chr. Gregory Cl house Del

An Act for the better Administration of Iustice in the County Courts.

A Bill ascerteining what Damages shall be allowed upon protested Bills of Exch. read the first time

A Bill prohibiting trade with the Indians for any flesh dead or Alive Except Deer and Wild fowle read the first time and sent to the house by Iames Frisby Esqr and Thomas Tasker Esqr

The Board adjourned till 2 of the Clock in the Afternoon

Post Meridiem

p. 67 The Councill Sate prsent as before.

Brought from the House the Bills read here this morning which were again read and sent to the house by Iames Frisby & Thomas Tasker Esqrs

It pleasing Allmighty God that a great Clap of Thunder & Lightening fell upon the State house the house of Delegates sitting therein which Splintered the flag Staff Strook down the Vane burnt the flagg and sett the roof of the house in a flame of fire and Strikeing through the upper Rooms Shattering the Door posts & Window frames, Strook down and griveously wounded Severall of the Delegates and more particularly Col Hans Hanson Lt Col Tho: Hicks and Mr George Ashman and passing through the upper Room where the Comittee of Laws was sitting, strook dead M^r^ Iames Crawford one of the Delegates of Calvert County & one of the s^d^ Comittee to the great Astonishm^t^ of all persons, But it so pleased God by the Active Care and personall p^r^sence of his Ex^cy^ the Gov^r^ the s^d^ fire was quickly Quenched a showr of rain happening Imediately thereupon And the Records p^r^served as also the house with little or no Considerable Damage And this occasioned the Adjournm^t^ of this Board 'till 8 of the Clock to Morrow Morning. Original Journal.

Fryday Iuly the 14th 1699.

Councill in Assembly Sate p^r^sent as yesterday with the Addition of Col Henry Iowles

Came Capt Hutchison and Col Ninian Beal from the house w^th^ the Reporte of the Comittee ab^t^ Indians which was returned to the house (thus Endorsed) by Thomas Tench & Iohn Addison Esq^rs^ Viz^t^

By his Ex^cy^ the Governo^r^ and Councill in Assembly
Iuly the 14th 1699

This Reporte has been here read and this Board Concurr with the house of Delegates in Approveing thereof and recomend it to the house to prepare a Bill Accordingly.

The Consideration of this Subject brings into remembrance the many Signall Services and Laborious Endeavours of Col Ninian Beal one of your Members which he still Continues Willingly Even beyond what his age seems Capable of; And p. 68 that good Services may not go unrewarded and others in time to Come Encouraged thereby to Exert their Abilitys in the Country Service It is recomended to your Consideration to make him some Allowance out of the publick Stock to the Value of a hundred pounds or so much money as will buy him four Negro's and that Some person may be Appointed to buy and deliver them to him and that they may be Settled in Some person for his use and Supporte dureing his life and after dureing his Wifes and after to such Child or Children as he shall dispose by his last will and Testam^t^ and not Subject to paym^t^ of any the said Beal's Debts

Signed ꝑ Order
W Bladen Cl: Concil.

Original Journal.

By his Ex^{cy} the Governo^{r} and Councill in Assembly
Iuly the 14th 1699:

The Board takeing into Consideration the dreadfull Accident that happened yesterday to the State house and the great danger of burning thereof, Do recomend to the house that four or five Small Water Engines and Twenty leather Bucketts may be sent for by the p^{r}sent shipping which may be hung up in the Court house and ready upon any such unhappy Occasion which God prevent Signed per Order
W Bladen Cl Concil

Sent ꝑ Thomas Tasker & Francis Ienkins Esq^{rs}
The Board adjourned till the Afternoon

Post Meridiem

Came Cap^{t} Hoskins and M^{r} Bozmane for some of the Members of this Board to Come down and see M^{r} Briscoe an Elected Member for Charles County Sworne.

The honble Col Iohn Courts Sent to have him Sworne

The Councill adjourned untill 8 a Clock to Morrow Morning

Saturday Iuly the 15th 1699.

The Councill Sate Absent Col Hen: Iowles & Tho: Brook Esq^{rs}

p. 69 Came from the house Col Thompson & M^{r} Ashman & brought a Bill Impowering the Vestrymen to Assess their parishioners to finish and repaire Churches &c read the first time and will pass with Some Small Amendment

A Bill restreining the Extortions of Sherriffs and Deputy Comissarys read the first time.

A Bill for Appeals and regulateing Writts of Erro^{r} read and will pass with these Alterations, Viz^{t}

1. Instead of Saying no Officer shall take any other ffees on a Writ of Erro^{r} &c then herein mentioned, it be said, these officers hereafter mentioned, by reason the words no Officers seem too Generall and includes the sherriffe Attorney and Clerk of the Superio^{r} Court who by this Act have no ffees att all Allowed them.

2. Where the Appeals and Writts of Erro^{r} are from the provinciall to the Governo^{r} and Councill are limitted to one hundred pounds Sterl or 20000^{ls} Tobb^{a} it be limitted to a less Sum̄e Viz^{t} to 50^{l} or 10000^{l} of Tobb^{a} it seeming hard to the Subject to debarr him the benefitt of the Law for any Sum̄e amounting to or Exceeding these latter Sum̄s and which

agrees with the former Act touching this Matter with which Alteracōns the said Bill will pass. Original Journal.

Came by Mr Iacob Lockerman and Mr George Ashman the following Answer Vizt

By the house of Delegates Iuly the 15th 1699.

This house have recd a Bill for Appeals and Regulateing Writts of Error Endorsed that it will pass with the Alteracōns proposed and as to the first Article this house have Consented to the Amendmt And humbly Conceive the limittacōn being one hundred pounds Sterl or 20000ls Tobbo to be According to yor Excys Com̄ission, But if your Excy and the honble Councill shall be pleased to Consent to limitting of it to a less Sume as ꝑposed this house will be willing to Concurr therewith and would be more to our Satisfaction

Signed ꝑ Order
Chr. Gregory Cl house Del.

The following Message sent from the house by Mr Iames Sanders and Dr Iacob Lockerman Vizt

By the house of Delegates Iuly the 15th 1699

The Message Yesterday sent by the honble Thomas Tench p. 70 Esqr and Col Iohn Addison in relation to Col Ninian Beal has been here read and Considered and in respect of the good Services tht the said Col Beal had done for this province and his willingness now in his old Age to Continue in the Service of this Country have resolved that Mr William Hutchinson buy and deliver unto the said Ninian Beal three negros and that the said three negros shall be Invested in the said Beal dureing his Naturall life and after dureing the naturall life of his wife and after to such Child or Children as he shall by his last Will and Testamt dispose of them to, And that Mr Hutchinson have power to draw upon the Treasurer of the Westerne shoar for the Sume of Seaventy five pounds for the paymt of the Same and that the said Negros for any Debt or Iudgemt whatsoever due from or recovered agt the said Ninian Beal shall not be taken in Execution for the Satisfaction of any Such Debt or Iudgemt

Signed ꝑ Order
Chr. Gregory Cl house Del.

Original Journal. Read the petition of Leiv^t Col Smithson publick Treasurer of the Eastern Shoar praying allowance of Some money he paid the hon^ble Col Charles Hutchins for the Countrys Acc^t

Ordered that he be Allowed therefore

Maj^r Edward Dorsey's petition read and referred to the Consideration of the house of Delegates.

The said petitions and Bills this day read with the Amendm^ts proposed sent to the house of Delegates by Iames Frisby and Thomas Tasker Esq^rs

Came Doctor Iacob Lockerman and M^r George Ashman and brought the Bill for Appeals and Writts of Erro^r which being Amended as proposed is agreed to, and sent back to the house.

It being the opinion of this Board that it is for the ease and Advantage of his Matys Subjects here that Appeals should be granted from the provinciall Court to the Governo^r and Councill for 50^l sterl or 10000^ls of Tobb^o

p. 71 Came M^r John Hall and Cap^t Walter Campbell from the house with the following Message Viz^t

By the honse of Delegates Iuly the 15^th 1699

This house are willing to Consent to such Amendm^ts as are proposed but humbly desire to know to whom the Vestrys shall render their Acc^ts for that this house think it unreasonable for the Severall Vestrys to Come to Annapolis to render such Acc^ts

Signed ꝑ Order
Chr. Gregory Cl house Del.

Whereto the following Answer was Sent by Rob^t Smith Esq^r and Maj^r Iohn Hammond Viz^t

By the Councill in Assembly Iuly the 15^th 1699.

This Board never had any thoughts of obligeing the Vestrys to Come to Annapolis to render their Acc^ts of their disposeing of the ten pounds of Tobb^o ꝑ head but that they should render their Acc^t to the Iustices of their County Courts

Signed ꝑ Order
W Bladen Cl Concil.

The Board Adjourned till two in the Afternoon

Post meridiem eodem die

Original Journal.

Councill Sate prsent as before

Mr Iohn Hall &c. Came from the house with these Bills.

An Act for Stay Executions after the 10th of Aprill Yearly read the first time

An Act Impowering the Comrs of the County Courts &c read the first time

An Act for Speedy Conveying publick Letters read the first time

An Act Impowering Vestrys to Assess their parishioners read the 2d time.

Came Mr Iames Saunders, Majr Thomas Smith, Mr Michael Miller and 9 other members of the house with the following Address

By the house of Delegates Iuly the 15th 1699.

May it please yor Excy

Your Excy's Message by the honble Thomas Tench Esqr and Col Iohn Addison has been here recd and this house humbly desires that your Excy will Accept of our hearty and unfeigned thanks as well for your fervent Zeale for the Good of this province as for your so free and Generous undertakeing in being a Mediator for us before such time as we were known unto you but presume that your Own Generous Inclination was the onely Motive that then induced you wherefore with the more Cheerfull Assurance of your Continuance of your wonted Goodness we humbly subscribe our selves. p. 72

Your Excys most humble and
obedient Servts

Signed in behalfe of the house of Delegates.
Tho: Smithson Speaker

To which his Excys Answer was Sent, by Thomas Tench Esqr and Col Iohn Addison (with the Bills read this Afternoon) thus Vizt

Gentn

My Zeal has not been Wanting to become a Mediator for what you Desire in your Address as you will perceive by the Copy of a Letter here Sent you which I wrote to the Lords Comissioners of Trade and plantations upon that Topick and my Endeavours and Interrest shall not be wanting to my friends att home to Assist you when it is put in a Method for

Original Journal. y^r^ Salutacōns I have a very tender Concerne for those unfortunate persons that are under the last of those Bonds, I shall also recomend it to the L^ds^ Comissioners of trade and plantations, But in reguard of my Station and his Matys Instructions It will not become me to Ioine in Subscription or Address as a party, but shall very readily give you^rs^ all the favour and Ease that lyes in me to promote its Success

I am Your humble Serv^t^
N: Blakiston

M^r^ Harris and Eight members Came with a Bill for Settling an Annual Revenue on his Matys Governo^r^ dureing his Governm^t^ here which being read,

p. 73 put to the Question if the said Bill should be posted as now drawn up; Carried in the Affirmative.

A Bill Concerning the height of ffences &c. read the first time and will pass with Some Small Amendment.

A Bill for Marking high ways and Makeing the heads of Rivers and Creeks passable read the first time and will pass with the Amendment proposed:

A Bill Impowering the Comissioners to leavy moneys to defray the necessary Charges of their Countys read the first time and passed

The s^d^ Bills were Sent to the house by Maj^r^ Io^n^ Hammond and Col Francis Ienkins with the Bill for the Additionall three pence Revenue on his Matys p^r^sent Governo^r^

His Ex^cys^ thanks &c Returned to the house by Col Io^n^ Addison and Col John Courts in these words viz^t^

Gent^n^

I returne you my Uttmost Acknowledgem^ts^ for the favour you have done me in the Additionall three pence and I shall be very well pleased to receive the least marks of your good opinions of me and shall allways make it my Study to acquitt my Selfe in the Intire Service of the province I am Gent^n^

Yo^r^ most humble Serv^t^
N: Blakiston

Message from the house by Cap^t^ Hutchison Viz^t^

By the house of Delegates Iuly the 15^th^ 1699.

This house have Considered the Alteration proposed to be made in the Bill for high ways and Makeing the heads of Rivers Creeks Branches &c passable, And humbly that Such Alteration as is proposed, that every Master Overseer &c.

should not be obliged to send all his Male Taxables, would be to throw the Burthen upon the poor onely, the other Alterations being Consented to Original Journal.

Signed ꝑ Order
Chr. Gregory Cl house Del.

The said Message was thus Subscribed and sent to the house by Col Hutchins Vizt

By the Councill in Assembly Iuly the 15th 1699 p. 74

This Board do Concurr with the house as to the Amendmt of the sd Bill
Signed ꝑ Order
W Bladen Cl. Council.

Then Came Mr William Harris and 4 more of the houses members and brought the following Message.

By the house of Delegates Iuly the 15th 1699.

It falling under the Consideration of this house for Some Methods to be taken towards the building of a publick prison in this Town & Porte of Annapolis humbly desire that your Excy will be pleased to Appoint Some of the members of his Matys honble Councill to Conferr with Some of the members of this house in proposeing such methods as may be Expedient for the building Such prison and that they will Appoint Such time and place as to them shall seem Convenient

Signed ꝑ Order
Chr. Gregory Cl house Del.

Ordered that Robt Smith Esqr and Majr Iohn Hamond be appointed of that Comittee

The Board Adjourned till 8 a Clock on Munday Morning

Munday July the 17th 1699.

Councill mett Absent Col Henry Iowles and Col Iohn Addison

The following Message sent to the house by Iames Frisby Esqr and Majr Iohn Hamond Vizt

Original Journal. By his Ex^{cy} the Gov^{r} & Councill in Assembly
Iuly the 17th 1699.

Upon Consideration of this Letter Annexed and the many Irregularitys and undecent Marriages Contracted in this province as have been rep^{r}sented to the Board, the Law touching p. 75 that Subject is recom̃ended to your Consideracõn Whether it be not adviseable to prohibit Iustices Marrying of persons where there is a Minister in the County or in the next Adjacent And to p^{r}vent any persons from Enjoying the benefitt of Lawfull Marriage in this province where the same is so unlawfully and undecently done as the Case in the said Letter mentions whether it may not be adviseable to Incert a Declaratory Clause in the said Law what Certificate shall be Sufficient for any persons p^{r}tending to have been married together in Pensilvania Virginia or any the Adjacent Governm^{ts} so as to tollerate their Cohabiting together as such

Signed ꝑ Order
W Bladen Cl Concil.

By the house of Delegates Iuly the 17th 1699

This house have rec^{d} the Message this day sent by the hon^{ble} Iames Frisby and Maj^{r} Iohn Ham̃ond and have Considered the Same and humbly Desire that his Maty's Attorney Gen^{ll} may prepare a Bill thereon and p^{r}sent for the Consideracõn of this house Signed ꝑ Order
Chr. Gregory Cl house Del.

Came Major Ennalls M^{r} Elisha Hall, D^{r} Lockerman and M^{r} Briscoe who bring a Bill for Killing of Wolves read the first time and will pass.

A Bill to Impower the purchasers of Subscriptions to the Freeschools to recover the Same read the first time and will pass with Amendment

Sent ꝑ Esq^{r} Tasker and Col Hutchins with the Indenture of Returne of Iames Philips a Delegate for Baltemore County.

The Board Adjourned 'till 2 of the Clock in the afternoon

Post Meridiem

The Councill Sate, p^{r}sent as in the Morning

p. 76 Came M^{r} Iohn Hall and M^{r} Walter Campbell And brought the Bill to Impower purchasers of Subscriptions to the ffreeschools to receive the Same which was read the second time & passed.

A Bill for killing of Wolves read the 2^{d} time and passed and returned to the house by Col Courts and Robt Smith Esqr Original who are Ordered to swear Mr Iames Philips Returned Delegate for Baltemore County, According to the houses request by Livt Col Eñalls and Capt Moreland. Journal.

Col Iohn Courts & Robt Smith Esqrs returne & Reporte that according to Order they had Administred the Oaths &c to Mr Iames Philips who &c

The Board Adjourned till to morrow
Morning 8 of the Clock

Iuly the 18th 1699.

Councill Sate Absent Col Iohn Addison

Came from the house Mr Campbell and others & brought these Bills Vizt

A Bill for speedy for small Debts read the first time & passed.

A Bill of Gratuity to Col Ninian Beal read & passed

A Bill rectifying the ill practice of the Attorneys of this province.

A Bill for raising a Supply towards defraying the publick Leavy of this province read & will pass wth a Clause of debenture for what Exported

A Bill for settling Assemblys and provinciall Courts att the Porte of Annapolis read the first time

A Bill for Assureing 500 Acres of Land to Henry Wallice read the 1st time

Came Lt Col Smithson with Mr Campbell & Dr Lockerman from the house and the sd Col. Smithson is sworne to his publick Treasurer's Accts

It falling under Consideration of the Board how unserviceable and irregular the Militia of this province now stands, His Excy is pleased to propose to the house of Delegates thus Vizt p. 77

Gentn

I have and do Intend to give out Com̄issions to all the officers of the Militia and am Desireous to make them not onely Serviceable to the province with all Imaginable Ease to themselves but to Appear like Soldiers and not a Confused Rabble with Sticks and Clubbs and the way to Effect it I take to be by Altering your Law of three Barrells of Corne att the Expiration of Each Male Servts Time in lieu of which or Some part lett every Master be obliged to give him a good Musquett of Twenty shilling price which method I leave to your better Consideration

N: Blakiston

Original Journal. Sent to the house the Bills this day read, by Col Charles Hutchins and Thomas Smith Esq^r who with Maj^r Iohn Hammond are Ordered to Conferr with the houses Members About the prison and Church

Major Thomas Smith and Severall other Members bring these following Bills Engrossed Viz^t

A Bill Impowering Benja: Williams to sell his Brother Ioseph's Land for paym^t of his Debts

A Bill for Transferring over to Major William Whittington the Debt due from the Officers in Somersett County

A Bill for prohibiting Trade with the Indians for all flesh dead or Alive Except Deer and Wild fowl.

A Bill for better Administration of Iustice in the County Courts

A Bill Ascerteining what Damages shall be allowed upon ꝑtested Bills of Exchange

A Bill for restreining the Extortions of sherriffs Subsherriffs and Deputy Comissarys

A Bill for Americam^ts in the provinciall and County Courts

A Bill for Stay of Executions after the tenth day of Aprill Yearly.

A Bill Impowering Vestrymen to Assess their parishioners to repaire the Churches &c

A Bill for Appeals and regulateing Writts of Erro^r

A Bill for Speedy Conveying of publick letters &c.

p. 78 A Bill Impowering the Comissioners of the Sev^rall Countys to leavy money to defray the necessary Charge of their Countys.

A Bill for Marking high ways &c.

A Bill Concerning the height of ffences, for punishment of Burners of ffences & to p^rvent Multiplicity of Horses

A Bill for killing of Wolves.

A Bill to Enable the purchasers of Subscriptions to the ffreeschools to receive the Same

A Bill for Settling a Revenue upon his Matys p^rsent Governo^r

Which being all read and Assented to by his Matys honble Councill are sent to the house by Col Charles Hutchins Col John Courts Maj^r Iohn Hamond and Thomas Tasker Esq^r

Came Liev^t Col Tho: Ennalls and Six more of the houses Members with a Bill for Ascerteining the Bounds of Land which is Assented to. And a Bill for Continueing the late Act for Imposeing 3^d ꝑ hhd upon Tobb^o to the use of his p^rsent Excellency from the time of his Arrivall here to the end of this p^rsent Session of Assembly which was read and passed And sent to the house by Thomas Tench and Thomas Brook Esq^r

The Board Adjourned 'till 8 of the Clock to morrow Morning. Original Journal.

Iuly the 19th 1699

Councill Sate p^r^sent as yesterday

Came from the house Col Iohn Thompson and five members more, with,

A Bill for regulateing Ordinarys and limitting the numbers of them read and will pass, the Ordinary keepers in Annapolis paying the Kings Secretary 2000^ls^ Tobb. as before.

A Bill for secureing the Frontiers from Incursions of Indians read and passed

A Bill for recovering the ffees due for publick Officers.

Read the petition of Col Smithson desireing he may be Imployed to draw the platts to the Law for Ascerteining the Bounds of Land and that he may be Allowed therefore out of p. 79 the Mul^t^ upon Officers in Talbott and Dorchester Countys which is thought fittting and so recomended to the house

The said petition, the afores^d^ Bills and the Indenture of Return of a Delegate for Somersett County Sent to the house by Iames Frisby and Thomas Tasker Esq^rs^

Came Col Iohn Thompson and Cap^t^ Iames Philips from the house with the Bill for regulateing Ordinarys and limitting the number of them, Amended as proposed, which is again read and passed and sent to the house by Thomas Tasker and Francis Ienkins Esq^rs^

Came Cap^t^ Philip Hoskins and 5 other Members from the house and brought the Bills Assented to by the house Viz^t^

A Bill for settling Assemblys and Provinciall Courts att the Porte of Annapolis

A Bill of Gratuity to Col Ninian Beal.

A Bill for Assureing five hundred Acres of Land to Hen: Wallice

A Bill for Continuing the late Act Assessing 3^d^ ꝑ hhd to the use of his p^r^sent Ex^cy^ from the time of his Arrivall here to the end of this sessions

A Bill for raiseing a Supply towards defraying of the publick Leavy of this province

A Bill for Speedy Iustice for small Debts

A Bill for rectifying the ill practices of Attorneys.

Which are read and Assented to by his Matys honorable Councill

The Board adjourned 'till 2 of the Clock in the afternoon

Original Journal.

Post Meridiem

Councill Sate prsent as before.

Came Dr Lockerman & other Members of the house to Desire that Some of the Members of this Board might be sent to Administer the Oath &c to Majr Whittington a Member newly returned for Somersett County.

Whereupon, Col Francis Ienkins was sent with the afd Bills and Ordered to swear Majr Whittington

p. 80 Mr Attorney Genll produced Certein Instructions Which he Intended for the Severall Clks of Indictments in the County Courts of this province which were read and well Approved of sent to the house of Delegates for their perusall by Mr Attorney Generall.

Came Mr Richd Tilghman and Capt Philip Hoskins who brought the following Message Vizt

By the house of Delegates Iuly the 19th 1699

May it please yor Excy

This house haveing taken a review of all the Laws within this province have found Severall of them defective and Severall others that were Temporary Expired and others which were att the first makeing of them ꝑpetuall upon which review this house have resolved that the Severall Laws a list whereof is herewith sent shall be Continued in force and that these together with such other Laws as shall be passed this Sessions shall be deemed reputed and taken the Body of Laws for this province and that all other Act or Acts Law or Laws whatsoever that have been made since his Matys takeing this Government under his Imediate Care Saveing such Laws wch either are or shall be by his Most Sacred Maty to this time Confirmed shall and may be hereby repealed and that a Bill for Repealing such Laws be prepared therefore these Laws which we desire to be Continued perpetuall & unaltered we have sent to your Excy and Councill that if you please they may be Compared with the Books from whence they were transcribed haveing been allready Compared by this house

Signed ꝑ Order
Chr. Gregory Cl house Del.

The Board adjourned 'till 8 of the Clock to morrow morning

Iuly the 20th 1699

Councill Sate present as Yesterday.

The following Message sent to the house by Thomas Tasker Esqr Viz

By his Ex^cy the Gov^r & Councill in Assembly
Iuly the 20th 1699

Original Journal.

p. 81 This Board According to the Desire of the house of Delegates of the 17th of Iuly Instant, Ordered the Attorney Generall to draw a Bill Concerning Marriages and p^rsent to the house which is done but no Answer Given what is become of it

Therefore the Same is again recomended to yo^r Consideration if any thing therein seem uneasy to persons Intending Marriage or if any thing bearing too hard on the people Called Quakers in reguard they are found a Civill and Quiett people this Board are Content to regulate the Same as shall be Advised But hold it highly Necessary to Take some Care to restraine the Extravagant Growth of popery now more Audatious then has been known Since his Matys Government

Signed ꝑ Order
W Bladen Cl Council.

Came M^r Benjamin Hall, Col Ninian Beal & M^r Iohn Hall and brought the following Bills (Viz^t)

A Bill for Sumoning Grand & pettite Iuro^rs

Which being read it is remarqued upon the following Message Sent to the house Viz^t

By the Councill in Assembly Iuly the 20th 1699.

Upon reading this Bill and Compareing it with his Matys Royall Comission and Instructions it Appears to this Board that his Maty has reserved those fines and Amerciaments to his Royall use for Supporte of Governm^t which is Conceived very Agreeable to Iustice and reason since it is Generally disobedience to his Royall Comands that Occasions such fines which is the reason why this Board Cannot pass the said Bill being derrogatory to his Matys Interrest and prerogative, It is not without Observation that in all the Bills that has been p^rvented this Sessions those fines & forfeitures that were formerly to his Matys use are now Applyed to particular uses of the Country w^ch nevertheless for the good of the Country and p^rserving that union begun has been past here but we canot but recomend to you to have some Consideration of the p^rmisses for the future

Signed ꝑ Order
W Bladen Cl Concil.

p. 82 A Bill for punishment of Blasphemy, ffornication Adultery & prophane Cursing and Swearing read & passed

Original Journal. A Bill prohibiting Carrying Liquors to the Indian Towns &c.

A Bill for paym^t^ of ffees due from Criminalls, Read and sent to the house by Col Charles Hutchins and Robert Smith Esq^r^

Then Came Maj^r^ Walter Smith with two Messages in Answer to the Messages ab^t^ Marriages, and ab^t^ ffines to the King Viz^t^

By the house of Delegates Iuly the 20th 1699

The Message this day Sent by the hon^ble^ Thomas Tasker Esq^r^ has been here received and read and as to the Bill drawn by his Matys Attorney Gen^ll^ for publication of Marriages it was Considered by this house but in reguard that the former Law for publication of Marriages was perpetuall and Sufficient it was thought Convenient to Continue the Same and the new Bill was thereupon Voted out

Signed ꝑ Order
Chr Gregory Clk house Del:

By the house of Delegates Iuly the 20th 1699

The Message this day Sent by the hon^ble^ Charles Hutchins and Rob^t^ Smith Esq^r^ has been read and this house humbly prays that for what Mistakes have been made in the Application of such fines and forfeitures as have been Applyed Otherwise then his Matys Royall Comission and Instructions direct that your Excellency will put a favourable Constructions upon them for that they were Misapplyed through Misunderstanding of them and not otherwise and for the future shall be p^r^vented and we are so farr from takeing yo^r^ Ex^cys^ Admonition Amiss that we returne yo^r^ Ex^cy^ our hearty thanks for the Same

Signed ꝑ Order
Chr. Gregory Cl house Del.

The Board Adjourned 'till 2 in the Afternoon

Post Meridiem

Councill Sate as before

p. 83 Came Liev^t^ Col Ennalls and 5 more of the house with

A Bill of Directions for the Sherriffs Office in this province read and will pass with the Amendment proposed

A Bill for p^r^venting Vexatious and unnecessary Suites att Law read and passed.

A Bill for takeing Speciall Bayle in the severall Countys of this province upon Actions and Suites depending in his Matys Provinciall Court read the first time & passed Original Journal.

Sent to the house by Thomas Tench Esq^r and Maj^r Iohn Hammond

A Bill for Tonnage and Ascerteining Nav^ll Officers ffees being read is not Approved of being repugnant to the Lords Iustices Instructions, And it is Observed that the Law Allready made therefore is Sufficient

Came Maj^r Walter Smith, Maj^r Whittington and M^r Hicks and Cap^t Philips, with,

A Bill for punishm^t of privateers and pyrates

A Bill for the Constables takeing the List of Taxables

A Bill for Enrollm^t of Conveyances read and sent to the House by Thomas Tasker & Francis Ienkins Esq^rs

Came M^r Harris with 3 other members of the house with

A Bill to secure Merch^ts and others tobbacco after rec^d read and will pass the last Clause for the fine left out.

A Bill for recording the Laws and Iournalls

A Bill for Encouragem^t of such persons as will undertake to build Water Mills

A Bill for secureing parochiall Librarys read and passed and sent to the house by Iames Frisby & Rob^t Smith Esq^rs

The Board Adjourned 'till 8 of the Clock to Morrow Morning

Fryday Iuly the 21^th 1699

The Councill Sate present as Yesterday with the Addition of Col Henry Iowles p. 84

Came Col Thompson and five other Members from the house with.

A Bill for Limitting Officers ffees.

A Bill for Administration of Iustice in probat of Wills &c.

A Bill for punishing privateers read and being Amended is passed

The said Bills and an Indenture of Return of a Delegate for S^t Marys County Sent to the house by Thomas Tench & Iames Frisby Esq^rs with Esq^r Laurences petition.

Came Col Iohn Thompson, M^r Hicks and four more of the houses members with the following Bills Engrossed Viz^t

A Bill prohibiting the Inhabitants of this province from Carrying Liquors to the Indian Towns & Cabins.

A Bill for secureing the frontiers

A Bill for takeing Speciall Bayle in the Sev^rall Countys.

A Bill for Sum̄oning Grand and pettit Iuro^rs

A Bill for recording the Laws and Iournalls

Original Journal A Bill of Directions for the Sherriffs Office

A Bill obligeing the Constables to take the list of Taxables which are read and Assented to by the Councill and sent to the house By Maj^r Iohn Hamond and Thomas Tasker Esq^r

The Board adjourned 'till 2 in the afternoon

Post Meridiem

Councill Sate, Absent Col Hen: Iowles

Came Maj^r Thomas Ennalls and three other Delegates with

A Bill for ordering and regulateing the Militia which is read and will pass with Amendments

A Bill for the Benefitt of the Kings Subjects where the Laws of this province are defective read and being repugnant to the Laws of England is not thought fitt to be passed, neither is there any occasion to make such Law It being Sufficiently declared in the Act of Religion how and where the Laws of England shall take place,

Ordered to lye on the Table

A Bill for Speedy Tryall of Criminalls read & passed. This and the Bill for regulateing the Militia sent to the house Robert Smith and Thomas Tasker Esq^rs

p. 85 Came M^r Walter Smith and 3 more of the Members of the house of Delegates and brought these Bills Assented to by the house Viz^t

A Bill secureing Merch^ts and others Tobb^a after received

A Bill secureing parochiall Librarys

A Bill for regulateing Ordinarys and limitting the numbers of them.

A Bill for punishment of Blasphemy, fornication, Adultery and prophane Cursing and swearing.

A Bill for recovering Arrears due from publick Officers

A Bill for for payment of ffees due from Criminalls

A Bill for preventing vexatious and unnecessary Suites att Law.

A Bill for Encouragem^t of such persons as will undertake to build Water Mills, which are Assented to by the Councill and sent to the house By Thomas Tench, Thomas Brook, Iames Frisby Esq^rs and Col Iohn Courts.

Came Major Iohn Lowe and 3 more of the houses Members with

A Bill relateing to Servants and Slaves read and will pass with the Amendm^t proposed

A Bill Imposeing a fine on Maj^r Edward Dorsey and the sherriffs of Cæcill and Talbott County's read and will pass with Amendments, and were sent back to the house

The following Message sent from the house by Major Whittington and M^r Briscoe Viz^t

By the house of Delegates Iuly the 21th 1699 Original Journal.

It falling under the Consideration of this house the Carrying on the building of a Church within this Porte & Town of Annapolis humbly pray the Advice of your Excy and his Matys honble Councill in whose hands the fund raised for building the Church was lodged

Signed ꝑ Order
Chr Gregory Clk house Del.

The said Message was returned thus Endorsed Vizt

By his Excy the Govr & Councill in Assembly
Iuly the 21th 1699

Upon refference had by the house to the Iournall of the Comittee last Sessions for Stateing the Revenue you will find p. 86 the money lodged in his Excy Col Nicholsons hands late Governor here which we Suppose to be ready on all Occasions

Signed ꝑ Order
W Bladen Cl Concil

It falling under Consideration of this Board the mercy of Allmighty God that the State house was not burned nor greater Damage. Ordered that a proclamation issue to Appoint a day of publick thanksgiveing on the 17th day of Augt next.

His Excy is pleased to make the following observation

By his Excy the Governor

Gentn

You have now gone through the reviseing of the Laws; but I find there is one either Wllingly Overseen or Neglected, which for punishing of Reporters of false news &c

If you have dropped it designedly, I am Concerned you would not be so familiar as to give me an Intimation that it was not agreeable to you for I never was yett in any Corner of the world but I knew how to right my Selfe, I am as little fond of keeping it on foot as it seems gratefull to you to dropp it for when you know me better you will find me ever very ready to take off any Oppression you shall in the least seem to be uneasy under. I am

Yor humble Servt
N: Blakiston

Original Journal.

Iuly the 21th 1699

Sent the Bill abt Negros & Slaves to the house by Thomas Tench and Thomas Tasker Esqrs

Came Capt Richd Hill and the Comittee of Laws and brought a Catalogue of the Laws And the following Message Vizt

By the house of Delegates Iuly the 21th 1699

May it please yor Excy

Your Excellencys Signall and repeated favours Still nourishes the hopes of our future happiness under your Excys Good Governmt which we Can do no less then make an Acknowl- p. 87 edgemt of, Suitable to our weak Abilitys wherefore we make this our humble offring of Two hundred and fifty pounds sterl but because there is in most Countys two years Leavys to be paid we would willingly therefore discharge the whole publick leavy by the prsent Stock And therefore desire yor Excellency not to take it amiss if we Cannot reasonably pay the Two hundred and fifty pounds till the fall att which time yor Excy may have our humble Offerring paid by Bills or ready Money as may be most Acceptable

Signed ꝑ Order
Chr: Gregory Cl house Del.

The following Message Sent from the house by Mr Willm Harris and Major Whittington Vizt

By the house of Delegates Iuly the 21th 1699.

May it please yor Excellency

The Message by the honble Thomas Tench and Thomas Tasker Esqrs in relation to the Act agt Divulgers of false News was received and read and Considered and we are sorry a Message was not Sent to your Excy Concerning our desires of haveing that Act repealed because of its great Latitude which made it very Lyable to be abused of which wee know Severall Examples we Cannot remember what diverted such Message wch was intended to be sent but we are sure yor Excellency is so well beloved and honord that you will never need any such Act to guard your honor and reputation, It was not any disrespect to your Excellency nor our less Esteem of yor Excy then another made us do it But we ingenuously Confess we thought yor Excy would reckon yor Selfe so intirely possest of our hearty Affections and thereby so secure ever from unworthy Conceptions of your Excy that you would have no reluctancy to have that unhappy Act repealed which we humbly desire may be so Original Journal.

Signed ꝑ Order
Chr. Gregory Cłk house Del.

The following Answer Sent Vizt

By his Excy the Governor and Councill in Assembly
Iuly the 21th 1699.

The houses Message by Mr Harris and Mr Whittington being read att the Board and Considered we are very Willing p. 88 the Law desired should be repealed

Signed ꝑ Order
W Bladen Cl Concil.

By the Councill in Assembly Iuly the 21th 1699

Wee have Considered the Catalogue of Laws laid before us and advised to be Continued in their Native dress and approve very well of your Care and Wisdom therein

Yet as every Generall rule may Admitt of Some Exception so on this Occasion we think it becomeing to recom̄end to you Mr Robt Finley a Gent that hath Constantly attended his Matys Service in Ireland and fflanders from the beginning to the end of the late Warrs and Come here with his Excellency As also Mr Robt Blakiston that they may by some publick Ordinance or otherwise be allowed to hold any Imploymt or office they or either of them shall be found Capable of, notwithstanding the Bill in favour of Natives.

We believe it very Agreeable with our Duty and Affection to his Maty and our Native Country to let such Instances thereof fall on those who have so Signally attended the Service of both Especially in such particulars as this which Cannot have any Influence to Impead the genll Drift of that Law but may do them good and the Country no harme

Signed ꝑ Order
W Bladen Cl Concil.

By his Excy the Governor & Councill in Assembly
Iuly the 21th 1699

Gent Your Message by Capt HIll and others hath been read and Considered And as to yor Acknowledgemt to his Excy we Agree therewith he will returne you Answer in due time

Original Journal. As to your proposall of Applying all the money in Bank to defray the publick Leavy we can by no means advise Considering the p^r^sent uncerteinty of the Indians Resolution or what their designes may be and the necessity of Keeping Some Vissible force for Defence of the frontiers besides what Accidents or Emergencys may happen, att p^r^sent unknown p. 89

Therefore this Board Advise that Eight hundred pounds of the said money be reserved in Bank for the publick use upon any Emergency and the remainder Applyed to Defray the publick Leavy as proposed to which this Board will Assent.

Signed ꝑ Order
W Bladen Cl Council.

Came Maj^r^ Thomas Smith and Col Iohn Thompson & brought from the house the Iournall of the Comittee of Acc^ts^

The Board adjourned 'till to morrow morning 8 of the Clock

Iuly the 22^d^ 1699.

Brought from the house the following Message

By the house of Delegates Iuly the 22^d^ 1699.

In Testimony of Good Service done to his Maty and of our Sincere Affections to your Ex^cy^ and of the Intire Confidence we have in your Ex^cy^ That the Act for Encouragem^t^ of Learning and Advancem^t^ of the Natives of this province shall not be prostitute to Violation we freely and Cheerfully Grant all that yo^r^ Ex^cy^ herein requires both in hono^r^ and respect to those worthy ꝑsons and what further Assureance is required to be put on our Iournall direct to be made and we will do it

Signed ꝑ Order
Chr. Gregory Cl house Del:

The following Message Sent from the house by M^r^ Symon Willmer and Ten more of the houses Members (Viz^t^)

By the house of Delegates Iuly the 22^d^ 1699

May it please your Excellency

The Message by the hon^ble^ Thomas Tench, and Francis Ienkins about the Stopping of Eight hundred pounds as a fund has been read and Considered

We humbly offer to your Ex^cy^ that the good Affection of p. 90 his Matys Subjects here and theire Good inclinations to his

Matys Service att all times and Singular Love to your Ex^{cys} person is (by the blessing of God) a sure fund for your Ex^{cy} to trust to Our hearts and purses will be allways open, Especially when we see the money raised Applyed without Opposition to the designed uses we have made provision for a Constant Supply of Money we may dayly Expect our Stock to increase if the publick leavy be not very small the Generall Leavy will be very great in the countys Original Journal.

A fund is never wanting so long as we have willing hearts

Therefore with humble Submission to your Ex^{cys} Comand we once more make our Address that all the money may be Applyed to the defraying this Leavy att Ten Shill ꝑ Cent for Tobb^{o} it will have a Round Sume in the sherriffs Sallary and the Charge of Apportioning the Leavy in a Great Measure

Signed ꝑ Order
Chr. Gregory Cl house Del.

And the following Bills Engrossed and Examined

A Bill for Better Adm̄^{r}on of Iustice in Probat of Wills &c

A Bill for Enrollm^{t} of Conveyances

A Bill relating to Servants and Slaves Assented to by the house which are likewise Assented to by this Board

Sent to the house the following Answer to the above Message Viz^{t}

By the Gov^{r} & Councill in Assembly
Iuly the 22^{d} 1699

Gent Your Message by M^{r} Symon Willmer and others has been read and Considered att this Board and altho you Seem unsatisfyed yet notwithstanding all the Comissions of his Ex^{cy} and this Board more then ever was known and Your returning allmost all the offers made from hence with refusall Especially the Bill for Marriages after the reasons Given yet we have att Your repeated Instances again taken the p. 91
matter into Consideration and Intending if possible to Gratify Your Desires, have resolved

1 That if the money proposed his Ex^{cy} may be Imediately p^{d} and not delayed as you propound

2 That if there be power left with his Ex^{cy} and Councill with the Comittee to raise money or Tobb^{o} in Case of any Emergency to defray all Charges thereof

Then we Consent that all the money in Bank may be Applyed to defray the publick Charge w^{ch} Notwithstanding we Cannot advise to as proper or for the Countrys Good

Signed ꝑ Order
W Bladen Cl Council.

Original Journal. Gent I receive Satisfaction in your Donation more particularly it being a Confirmation of your good opinion of me and am not wthout hopes but this will turne to a good Acc^{t} of the province as well as the rest of what you have done this Sessions of Assembly for which I will Endeavour your Acknowledgemen^{ts} shall be returned with Interrest in saving the Country Treble what you now have favoured me with if you will give your selves the trouble to look into your acc^{ts} you will find little Charge has Accrewed to the Country since my arrivall by frequent Meetings and I designe to Continue it soe I shall always be Iust to what I have Severall times since the meeting of this Assembly Given under my hand of my ꝑticular reguard to the Good of this province and if the respects you have Aimed me be any oppression or difficulty to the Country I would by no means have you straine your Generosity beyound your abilitys and the more because you seemed to be Concerned for want of a Better fund

Gent This leads me to acquaint you that my usage in this place I mean att Annapolis has not been with the respect of a Common Constable in England besides the slender Conveniency's of life are not to be had butt att much dearer rates then Elsewhere If I were not very Sencible I Could serve his Maty as well in other parts of this province as here my resolutions should be to Continue though with the greatest Difficulty I never was yet in the meanest of his Matys Governm^{ts} abroad p. 92 but there is a house allways provided for his Governour and other necessarys are not to be had here but upon such Extravagant terms as you are all sencible of. And if you Advise my Stay here I hope You will in some measure Support it, I am farr from being unreasonable in my Expectations and what ever Encouragem^{t} You shall Minute me on your Iournall for my Stay here I have the Vanity to Believe will be saved to you in my Endeavours otherways.

Gent I mett you with a great deal of Satisfaction and I hope we shall allways part soe whenever it pleases God we shall meet and as for my Selfe I shall ever remember the Reciprocall promises we Engaged on both Sides under our hands for I am Gent

Your humble Serv^{t}
N Blakiston

Maj^{r} Walter Smith and three more of the Members of the house of Delegates brought

A Bill appointing persons to treat with workmen for building a Church att Annapolis, will pass with Amendm^{t}

A Bill for Ascerteining the Laws of this province read and will pass Original Journal.

The following Message was p^r^sented to the Board by Col Iohn Thompson and Maj^r^ Thomas Ennalls Viz^t^

By the house of Delegates Iuly the 22^d^ 1699

Resolved that Cap^t^ Richard Hill with all Convenient Speed build and finish within the Porte of Annapolis and on such Ground as his Ex^cy^ the Governo^r^ shall appoint a prison according to the Demensions of the Reporte of the Comittee Appointed to Consider the building thereof and to be paid for the Same so much as he shall reasonably deserve to be adjudged by the Gen^ll^ Assembly of this Province out of the publick Revenue of the Same if your Ex^cy^ and Councill shall Concurr therewith

Signed ꝑ Order
Chr Gregory Cl house Del.

Assented To, by his Ex^cy^ the Governo^r^ & Councill
W Bladen Cl: Councill

Sent to the house the following Message Viz^t^

Gent Herewith I send a Coppy of the pattent of the hon^ble^ William Blathwayte Esq^r^ Auditor Gen^ll^ of the plantations who is a person of Great worth and hono^r^ and able to do you many Good Offices in the station he stands and for his great trouble and Care in discharge of that Imployment has Gen^lly^ a Salary from most or all the plantacōns Except this place. I Therefore recomend it to your Consideration to make him Some yearly Allowance of Sallary whereby you will make him your friend and I am confident thereby do your Selves a Signall piece of Service p. 93

N: Blakiston

Sent from the house the following Answer Viz^t^

By the house of Delegates Iuly the 22^d^ 1699

The Message this day sent in relation to the hon^ble^ William Blathwaite Esq^r^ has been here read and Considered and this house dos humbly pray to be Excused att this time from Settling any Annuall Sallary or Allowance on the said William Blathwaite Esq^r^

Signed ꝑ Order
Chr. Gregory Cl house Del.

Original Journal. The following Message sent from the house by Mr Iames Saunders and Mr Thomas Staley Vizt

By the house of Delegates Iuly the 22d 1699

The Message by the honble Thomas Tench and Thomas Brooks Esqrs in Answer to our Message by Mr Symon Willmer and others has been read and Considered and the Proposalls

1st Resolved That the money proposed to his Excy shall be Imediately paid out of the Treasury one hundred pounds Sterl out of the hands of the Treasurer on the Eastern Shoar and one hundred and fifty pounds Sterl out of the hands of the Treasurer on the Western Shoar

2dly That to the Second proposall we humbly Offer that by the Act for Regulateing the Militia of this province & p. 94 power is Given to the Governor to Raise fifty Thousand pounds of Tobbacco for defraying any Emergent Occasion which should happen and further by an Act made this present sessions Entituled an Act for secureing the ffrontiers &c Authority is Given to the Comittee therein Appointed to advise of and Concert such measures as will Suppress any Violence which may be offered to this province after the breaking up of this present Sessions which two Acts are thought Sufficient to Supply what is proposed

And we humbly Conceive that if the publick Leavy be so defrayed out of the publick stock nothing would Conduce more to the honor of his Excy and this Generall Assembly & the great Satisfaction to the province in Generall it being a matter never before done in this province

Signed ꝑ Order
Chr. Gregory Cl house Del.

The following answer sent to the house Vizt

By his Excy the Govr & Councill in Assembly
Iuly 22d 1699

In answer to last Message by Mr Saunders and Mr Staley this Board say that if you will Ordaine and declare on the Iournall that if the said Comittee with the Governor and Councill see it necessary to disburse any money in Defence of the province they may have power to draw the same out of the publick Treasury and that the Treasurer shall answer the Same if in their hands (the Act being not so Clear in that Point) this Board do Assent

Signed ꝑ Order
W Bladen Cl Council.

By the house of Delegates Iuly the 22^d^ 1699 **Original Journal.**

The Message by the hon^ble^ Col Charles Hutchins and ffrancis Ienkins Esq^r^ has been read and Considered and resolved that this house do Concur therewith and declare that the said Comittee with the Governo^r^ and Councill have power to disburse any Money for the defence of this province and to draw the Same out of the publick Treasury and that the Treasurers shall Answer the Same p. 95

Signed ꝑ Order
Chr. Gregory Cl. house Del.

By the Councill in Assembly
Iuly the 22d 1699

In reguard it is ordained by the Assembly that the Chancello^r^ keeper of the great Seal for the time being shall have such reward for the Transcribeing every body of Laws for the use of the County Courts as the Assembly in which such Laws are made shall Appoint it is recomended to you to propound what shall be Allowed for the p^r^sent Body of Laws and you desired to Consider the Bulk of these and to proportion the Allowance Accordingly

Signed ꝑ Order
W Bladen Cl Concil.

By the house of Delegates Iuly the 22^d^ 1699

The Message by the hon^ble^ Col Charles Hutchins and M Francis Ienkins in relation to the Transcribeing the p^r^sent body of Laws for the use of the County Courts It is humbly proposed to allow for the writeing of the Copys for the severall Countys and such Copys as your Ex^cy^ shall send for England the Sume of one hundred and Twenty pounds sterl to be paid out of the publick Treasury.

Signed ꝑ Order
Chr. Gregory Cl house Del.

Endorsed thus, Assented to by the Councill
W Bladen Cl Concil.

The Iournal of the Comittee of Acc^ts^ Assented to and Sent to the house by Maj^r^ John Hamond and Francis Ienkins Esq^r^ with the following Message

Original Journal.

By his Ex^cy the Gov^r and Councill in Assembly
Iuly 22^d 1699

It is recomended to the house before they break up to Appoint Some person nearest to this place to draw the sev- p. 96 erall Orders upon the publick Treasurers to pay the money Allowed this sessions to the Severall Members of the Generall Assembly and others

Signed ꝑ Order
W Bladen Cl Council

The Board adjourned till 2, Clock

Post Meridiem

These following Bills were Sent from the house and Assented to by this Board Viz^t

A Bill for the Speedy Tryall of Criminalls
A Bill for Imposeing a fine on Maj^r Dorsey and others
A Bill Ascerteining the Laws of this province
A Bill for Ordering and regulateing the Militia
A Bill for the punishment of privateers &c
A Bill for Ascerteining Officers ffees
A Bill appointing persons to treat w^th workmen to build the Church

By the house of Delegates Iuly the 22^d 1699

This house have thought Convenient to make Choice of Cap^t Richard Hill, M^r Samuel Young and Cap^t Iohn Worthington as a Comittee to Ioine with such of his Matys hon^ble Councill as your Ex^cy shall be pleased to Appoint to settle the Acc^ts of the Sev^rall persons allowed in Tobbacco in the Iournall of the Comittee of Acc^ts att the rate of ten shill ꝑ Cent and to draw notes for the paym^t of the same on the severall Treasurers of this province if your Ex^cy and the hon^ble Councill shall Concurr therewith and if your Ex^cy will be pleased to appoint some of his Maty's Councill that you will please to nominate them that theire names may be included in the Bill

Signed ꝑ Order
Chr: Gregory Cl house Del.

Major Iohn Hamond Appointed by his Ex^cy and Councill as being nearest adjacent

Signed ꝑ Order
W Bladen Cl Concil.

Original Journal. p. 97

Col John Thompson and M^r^ Michael Miller bring a Bill for the paym^t^ of the public Leavy which is read and will pass and sent to the house by the hon^ble^ Col Iohn Courts and Thomas Brooke Esq^r^

Advised that this Assembly be prorogued from 3 months to 3 months and that att p^r^sent they be prorogued to the last Tuesday in October next

The Board Assent to the Ordinance ab^t^ M^r^ Blakiston and M^r^ Finley

Came Col Thompson and Cap^t^ Hoskins with the Engrossed Bill for payment of the publick Leavy Assented to by the house, the which is Assented to by the Board and sent to the house by Thomas Tench Esq^r^ and Col Charles Hutchins

M^r^ Attorney Gen^ll^ is sent down to the house and Commanded to Acquaint M^r^ Speaker and the house that his Ex^cy^ now Intends to finish this Sessions, who returns & says he has delivered his Message

M^r^ Michael Miller and five Members more Come up from the house who say they are ready to Attend his Ex^cy^ when Comanded and have nothing further to offer

Whereupon his Ex^cy^ Commands M^r^ Attorney Generall to Acquaint the house that he is ready to receive them and wills them to Come and p^r^sent what Bills they have Agreed to be Laws

Came M^r^ Speaker and the house and p^r^sented to his Ex^cy^ the following Bills Viz^t^

An Act Impowering Benj^a^ Willms Adm^r^ de bonis non Administratis of Ioseph Williams late of Baltemore county Dec^d^ to sell a Certeine tract of Land in Cæcill County on Sasafras River late the Land of the s^d^ Ioseph Williams Called by the name of Tibauld and Conteining ab^t^ 300 Acres for the paym^t^ of Debts pursuant to the Will of the said Ioseph.

An Act for Transferring and setting over unto Maj^r^ Willm Whittington the Debts due from the officers in Somersett County. p. 98

An Act prohibiting Trade with the Indians for any flesh dead or alive Except Deer & Wild fowle

An Act for the better Administration of Iustice in the County Courts of this province

An Act Ascerteining what Damage shall be upon protested Bills of Exchange.

An Act regulateing the Extortions of Sherriffs and Dep^ty^ Comiss^ry^

An Act for Amerciam^ts^ in the provinciall and County Courts.

An Act for stay of Executions after the 10^th^ of Aprill Yearly

An Act Impowering the Vestrymen to Assess their parishioners for the finishing and repairing of Churches.

Original Journal. An Act for Appeals and regulateing Writts of Erro^{r}

An Act for the more Speedy Conveying of public Letters and packets of this province and Settling a Revenue on the Sheriffs for defraying the Charge thereof

An Act Impowering the Comiss^{rs} of the County Courts to Leavy and raise money to defray the necessary Charges of their Countys

An Act for the Marking high ways and makeing the heads of Rivers Branches and Swamps passable for horse & foot.

An Act Concerning the height of ffences and to punish Burners thereof and also to restraine the Multiplicity of horses.

An Act for Killing of Wolves

An Act to Enable the purchasers of Subscriptions to the free schools to recover the Same

Henry Wallice petition and Act thereon

An Act for Continueing the late Act for Imposeing the 3^{d} ꝑ hh^{d} on Tobb^{o} to the use of his p^{r}sent Excellency from the time of his arrivall here to the end of this Sessions of Assembly

An Act for raising a Supply towards the defraying the publick Charge of this province and to p^{r}vent too great a number of Irish papists being imported into this province

p. 99 An Act for Speedy Iustice for small debts

An Act for rectifying the ill practices of Attorneys of this province and Ascerteining the Attorney Gen^{ll} and Clerke of Indictments fees

An Act of Directions for the Sherriffs office of this province.

An Act for settling a Revenue on his Matys p^{r}sent Governo^{r}

An Act Ascerteining the Bounds of Land

An Act for settling Assemblys and prov^{ll} Courts att the porte of Annapolis

An Act of Gratuity to Col Ninian Beal

An Act for secureing the ffrontiers of the province from the incursions of Indians

An Act prohibiting the Inhabitants of this province and any others from Carrying Liquors to the Indians Towns

An Act for Summoning Grand and pettit Iurys.

An Act for takeing Speciale Baile in the severall Countys in this province upon Actions & Suites depending in his Matys prov^{ll} Court.

An Act for Constables takeing list of Taxables.

An Act for the due recording of all Laws within the Province in the Secrys office &c

An Act for secureing Merch^{ts} and others tobb^{o} after they have rec^{d} it

An Act for secureing the parochiall Librarys of this Province & th^{t} the Care thereof be Comitted to some worthy ꝑson.

An Act for regulateing Ordinarys and limitting the number of them within this province Original Journal.

An Act for punishmt of Blasphemy, fornication, Adultery, prophane Cursing and swearing

An Act for recovering Arrears due from publick Officers and transferring sevrall Debts ariseing therein.

An Act for paymt of ffees due from Criminall ꝑsons

An Act for prventing Unnecessary and Vexatious suits at Law and for proveing of Debts and pleading discount in Barr

An Act for Encouragemt of such ꝑsons as will undertake to build Water Mills p. 100

An Act for the Admrcōn of Iustice in probat of Wills

Granting Admcōns for recovering of Legacys and secureing filial portions.

An Act for Enrollmt of Conveyances and secureing the Estates of purchasers

An Act relateing to Servants and Slaves.

An Act for speedy Tryall of Criminalls and Ascerteining their punishmts in County Courts when ꝑsented there

An Act for Imposeing a fine on Majr Edwd Dorsey & others.

An Act Ascerteining the Laws of this province

An Act for the Ordering and regulateing the Militia of this province for the better defence & security thereof

An Act for the punishmt of privateers & pyrates

An Act for Limittacōn of Officers ffees.

An Act for Appointing ꝑsons to treat with workmen to build the Church att Annapolis

An Act for the paymt of the publick Charge of this Province.

The which Bills were Assented to By the members of this Board as also of the house of Delegates

His Excy is pleased to make the following Subscription to the sd Laws being Sealed with the Great seal of the province

On the behalfe of his Maty King William the third of England Scottland ffrance and Ireland Defender of the ffaith &c. I will these to be Laws

N: Blakiston

Then the Assembly was prorogued untill the 28th day of October next

W Bladen Cl: Concil.

PROCEEDINGS AND ACTS

OF THE

GENERAL ASSEMBLY

OF MARYLAND,

At a Session held at Annapolis, June 29 *to*
July 22, 1699

CHARLES CALVERT, LORD BALTIMORE,

Proprietary.

NATHANIEL BLAKISTON,

Governor.

THE LOWER HOUSE OF ASSEMBLY.

Maryland ss Port of Annapolis Iune the 29th 1699. Original Journal. p. 1

Whereas the Gen^{ll} Assembly of this Province upon the Twelfth day of October Last was by his Ex^{cy} ffrancis Nicholson Esq^{r} his Ma^{tys} Cap^{t} Gen^{ll} & Late Gov^{r} in Cheife of this Province Prorouged untill the twenty Eight day of Iune following Yet upon further Consideracōn his Ex^{cy} Nathaniell Blakistone Esq^{r} his Ma^{tys} P^{r}sent Gov^{r} thought fitt further to Prorouge them vntill the twenty ninth day of Iune following and to that End Issued out his Mas^{tys} Writt of Prorougation the tenno^{r} whereof followeth in these words following (Viz)

William the third by the Grace of god of England Scotland ffrance and Ireland King Defender of the faith To our Councillors the Delegates and Representatiues of the Sev^{r}all Countyes and Burgeses of the Citty of S^{t} Maryes in our province of Maryland Gretting whereas vpon the twentyth day of October Last Wee thought fitt to Prorouge you vntill this Twenty Eight day of Iune instant To Convene your Selfs at the port of Annapolis then & there to Consent to such things as should by the favour of Allmighty god happen to be done and Enacted for the Good and well fare of this Province Now Know yee that for divers weighty Reasons thereunto moveing wee have thought fitt and Doe by these p^{r}sents further Prorouge you untill the Day after the Date hereof being the twenty Ninth day of Iune Instant at w^{ch} time & at the place afsd wee will Require you that you Conveye your Selfs to the End afsd Witness our Selfs in our high Co^{r}t of Chancery at the port of Annapolis this twenty Eighth day of Iune in the Eleventh yeare of our Reigne Annoq Dom: 1699.

N Blackiston

In Obedience whereunto

Die Iovis Iune the 29th 1699:

Mr. Thomas Smithson Speaker for S^{t} Maryes Citty Cap^{t} Tho: Waughop M^{r} W^{m} Taylard for S^{t} Maryes County M^{r} Io^{n} Lowe M^{r} Iacob Moreland M^{r} Tho: Beale for Kent County M^{r} Michaell Miller Maj^{r} Thomas Smith M^{r} Io^{n} Whittington & M^{r} Symon Wilmer for Ann Arundell County Mr. Richard Hill & M^{r} Sam^{ll} Young for Calvert County M^{r} Iames Crauford Mr p. 2

Original Journal. Walter Smith & Mr Elisha Hall for Charles County Mr Iames Smalwood Mr Philip Hoskins & Mr Benja Hall for Baltemore County Mr John Hall Mr George Ashman and Mr Thomas Staley for Talbot County Coll: Edwd Loyd & Mr Richard Tilghman for Cecill County Mr Wm Harris Coll: Hance Hanson Coll: Iohn Thompson & Mr Iohn Carvill for Prince Georges County Mr Wm Hutchinson & Coll Ninian Beale.

The Delegates for Dorchester & Sumrsett Countys not being yet Come to Towne.

Ordered that Mr Speaker Issue his Warrt Directed to the Secry to Issue out a writt of Election to the Sheriffe of St Maryes County to Elect one Delegate in the roome & Stead of Mr Philip Clark Lately Decd.

Ordrd that Mr Speaker Issue one other Warrt Directed to the Secry to Issue out a Writt of Election to the Sheriffe of Charles County to Elect one Delegate in the roome & stead of Mr Henry Hawkins Decd.

Ordrd that Mr Speaker Issue one other Warrt to the Secry for one Writt of Election to the Sheriffe of Baltemore County to Elect one Member in the Roome & Stead of Mr Iohn fferrey Decd:

Ordrd that Mr Speaker Issue his Warrt to the Secry for one Writt of Election to the Sheriffe of Talbot County to Elect one Delegate in the Roome and stead of Mr Wm Hansley Decd:

Ordrd that Mr Speaker Issue his Warrt to the Secry for one Writt of Election to the Sheriff of Ann Arundell County to Elect one Delegate in the Roome & stead of Mr Iohn Ham̄ond now one of his Majtys Honble Covncill

Ordrd that Mr Speaker Issue his Warrt to the Secry for one writt of Election to the Sheriff of Sumrsett County to Elect one Delegate in the Roome of Mr ffrancis Ienkins now one of his Matys Honble Covncill.

Ordrd that Mr Speaker Issue his Warrt to the Secry for one Writt of Election to the Sheriff of Prince Georges County to Elect one Delegate to Serve in the Roome and Stead of Mr Wm Barton now high Sheriff of Prince Georges County.

Which said Warrants being Made out were Signed by Mr Speaker and accordingly sent to his Matyes Honrble Secry of this Province by the Clk of this house.

p. 3 Ordrd that Capt Richd Hill Capt Thomas Waughop Coll. Edwd Loyd Mr Michaell Miller, Mr William Harris and Mr George Ashman Goe and Acquaint his Excy & his Majtyes Honble Councill that this House is mett according to his Majtyes Writt of Prorougation

Who returne and say they have Delivered there Message Resolved that this house will meett Every Morning at Six of the Cloke and rise at Ten to goe to prayers & after Prayers adjourne till Two

Ordrd that Mr Iames Crauford & Mr Ion Lowe acquaint his Excy that this house have made Choice of Mr Nobbs for their Chapline dureing this Sessions if not otherwise Commanded by his Excy Original Journal.

Who returne and say that his Excy was pleased to tell them that he sent for him on that Accot

Resolved that Daniel Cannon attend this house as Serjeant Attendent

Resolved Capt Richd Hill Mr Symon Wilmore & Mr Richd Tilghman be a Comittee to inspect all the Lawes of this province & to Drawe out ꝑticuler Lists of all Laws that are perpetuall all the Laws tht are Temporary all the Laws that are Repealled & all the Laws that are Expired and returne the Same as soone as possible.

The Honble Coll Henry Jowles Thomas Tench Esqr & Coll Iohn Courts three of his Majtyes Honble Covncill & Mr Wm Bladen Clk of his Majtyes Councill Enter the house

Where the Honb: Coll: Henry Iowles informed Mr Speaker & the house that it was his Excys Command that pursuant to his Majtys instructions Mr Speaker and the house should Take the Oathes appointed by Act of Parliamt instead of the Oaths of Allegiance & Supremacey & Subscribe the Test and the Association.

The Tennr of wch instructions was read by Mr Wm Bladen where upon Mr Speaker desired them to withdraw that the house might Consider thereof and wth all desired a Copy of such his Majtys Royall instruction

The Gent: of his Majtyes Covncill wthdrew & Ordr Mr Wm Bladen to Deliver to the House the Copy of the sd instruction

Mr Wm Bladen Enters the house & Prsents to Mr Speaker the Copy of his Majtyes Royall instruction the Tennor whereof followes in these words Viz

Coppy of one of his Matyes Royall instructions to his Excy the Govr upon his Accession to this Govrmt

You shall Administer or Cause to be Administred the Oathes appointed By Act of parliment to be taken Instead of the Oathes of Allegiance and Supremacey as allsoe the test p. 4
unto the Members and officers of his Majtyes Said Councill and of the Assembly and to all Iudges and Iustices and all other prsons that hold any office or place of Trust and profitt in the sd province wheither by vertue of any Patent vnder the Great Seal of England or the publick Seale of Maryland or otherwise and likewise require them to Subscribe the aforementioned association without which you are not to Admitt any prson what Soevr into any publick office nor Suffer them that have been Admitted formerly to Continue therein Vera Copia W Bladen Clk Council.

Original Journal. Ord^r^d that the Clk of this House desire his Maj^tyes^ Honb: Covncill to Enter.

his Maj^tyes^ Honble Councill and M^r^ W^m^ Bladen Enter who Administre the Oathes appointed by Act of Parliament instead of the Oathes of Allegiance & Supremacey to M^r^ Speaker and the Severall Members aforerecited who haveing taken the Same Severally Subscribed the Test and allsoe the Association

His Maj^tyes^ Honble Councill allsoe Administred the afsd Oathes & the Oathe of Clk of the house of Delegates To Christop^r^ Gregory who Likewise Subscribe the test and the Association

His Maj^tyes^ Honble Covncill inform M^r^ Speaker & the house that his Ex^cy^ Requires their attendance on him at the Councill Chamber and Take their Leaves of the house and Depart

The House Adjournes to the Covncill Chamber

At the Covncill Chamber his Ex^cye^ was pleased to Make to the house the following Speech (Viz)

Gentlemen

Since his Maj^tye^ Amongst the rest of his Many Graces to me has been pleased to Honour me w^th^ the Command of this his Province I shall never be wanting to Make it my Vtmost Endeavours to Discharge that duty incumbent upon me w^th^ all Zeale to his Maj^tye^ and the wellfare and advantage of this place I have allready had the Hon^r^ of serving his Maj^tye^ in a Governm^t^ in America and in Iustice to his Subjects in those partes where I have been noe people that have the happiness of his Maj^tys^ Governm^t^ & Protection can be or are more ready & forward to Demonstrate their Satisfaction then the Inhabitants the^r^ & I doe not in the Least doubt but I shall find the Same good Harmonye here I need not Enumerate the Many Blessings and Benefitts this Province has Received (which p. 5 you Cannot but be very Sensible oft) by his Maj^tyes^ now Immediate Eye vpon and Takeing you vnder his owne Protection for w^ch^ wee Cann never doe Enough in Bending all our thoughts & Endeuours to Excert and giue some Signall Proofes of our Vtmost loyalty and Gratitude to soe Great & Glorious a Prince as wee have the blessing to be vnder who has not only regained the Hon^r^ and Creditt but the Liberty of England and his Shining and noble Carecter and Vnparalelld Actions doe and have displayd themselfs Sufficiently

Gent: you must give me leave to remarke one particular to you w^ch^ I am Sorry to find has been Started amongst some & is a notion that may not only be prejudiciall but very fatall and what I can never Imagine that the Kings and the Countrys Interest are at any time diffrent or interfere w^th^ each other I hope w^th^out Vanity I may be allowed to Know his Maj^tyes^ private Sentaments in this as well as any w^th^in yo^r^ wals I am Sure my instructions are not the Least poynting that way but the Contrary. I take the Liberty to mention this to you that there may not Arise the Least Misunderstanding amongst us but that wee May all Embarque and Ioyne in our Duty to his Maj^tye^ and the well fare of this Province w^ch^ I take to be inseperable I doe very Much Ioy to find this Province has been soe well inclined in Endevouring the promotion of the Church of England you have made very Great advances that way to your Eternall Creditt and Praise and I assure I will Ioyne my heart & hand in the Advancem^t^ of it.

Gent: as to my owne ꝑticular I shall say but Little being a Stranger amongst you but I shall Endeavour that my Actions may be the Most Convinceing Proofe of my intentions & inclinations to Assert the Interest of this Province & of doing you all the Iustice you Can desire or hope for

I shall Looke upon all man Kind that haue approved themselfs his Maj^tyes^ Good Subjects as a faire Sheett of paper for I doe not Come w^th^ any ill Concived opinion or prejudice to any ꝑson I have now been Six Months amongst you in w^ch^ time Severall things of Moment have occurred wherein my proceedings hitherto will I hope Stand the Test of any who haue the Curiossity to Enquire into them w^th^ the Strictest Scrutiny and if at any time I shall Chance to Make an Irregular Step It will be my Misfortine and not my fault & I shall allways be soe far from taking it amiss that I shall rather Esteeme it a Marke of yo^r^ Kindness to Signifye it to me then otherwise.

Gent: All I have to recomend to you at p^r^sent is that wee may readily Ioyne together w^th^ all Chearfullness to Dispatch the Business w^ch^ Occassions this our Meetting p. 6

Which being Ended his Ex^cy^ was Pleassed to Deliver to M^r^ Speaker a Coppy thereof and allsoe a Coppy of his Maj^tyes^ Royall instructions to him for their P^r^usall when M^r^ Speaker and the house having taken their Laws returne to their house where M^r^ Speaker haveing taken the Chaire

Resolved that M^r^ Speaker draw up an humble & thankfull Answ^r^ to his Ex^cys^ Speech & prepare & bring in the Same to Morrow Morning

Ord^rd^ that the Coppy of his Maj^tys^ Royall instructions be read w^ch^ accordingly were read as followeth (viz)

2: And that it may be the better understood what Laws & Acts are in force in his Maj^tys^ said Province of Maryland you are with the Assistance of the Councill their to take Care that all Laws now in force be revised and Considered & if their

Original Journal. be anything Either in the Matter or Stile of them wch may be retrenched or altered you are to represent the same unto his Majtye wth yor Opinion touching the said Laws now in force whereof you are to send a Compleate Body unto his Majtye and to the Comissioners for Trade and Plantations wth such alterations as you shall think requisite to the End his Majtyes Approbation or disallowance may be Signifyed thereupon

3: And you are to ꝑmitt liberty of Conscience to all ꝑrsons soe they be Contented wth a quiet Enjoyment of it not Giveing offence or Scandall to the Govrmt

4: You shall not pass any Act or Ordr wthin his Majtyes said province in any Case for Leavying money and Inflicting fines and Penaltyes whereby the same shall not be reserved to his Majty for the Publick vses as by the said Act or ordr shall be Directed.

5: And his Majtyes further will & Pleasure is that you recommend unto the next Genll Assembly the raiseing of such other Supplyes from time to time as may be Sufficient for Defraying the other Nessary Charges of the Govermt His Majtyes Express will & Pleasure is that all Lawes wt soever for the good Govermt & Support of his said province be Indeffinite & wthout Limitation of time Except the same be for a Temporary End & wch shall Expire and have its full Effect wthin a Certaine Time & therefore you shall not Re Enact any Law wch shall have been Enacted by you Except upon very Vrgent occassions but in noe Case more then once wthout his Majtys Express Consent

p. 7 6: And that God Allmighty may be the more Inclined to bestowe his blessing upon his Majtye and you in the well fare and Improvemt of that Province you shall Take Especiall Care that he be Devoutly & Duely Served wthin your Governmt the book of Com̄on prayer as it is now Established read Each Sunday and holiday and the blessed Sacrament administred according to the Right of the Church of England you shall take care that the Churches already built there be well and orderly Kept and more built as the province shall be by gods blessing be improved & that besides a competent Maintenance to be Assigned to the Minister of Each Church a convenient house be built at the Com̄on Charge for each Minister

7: And whereas upon complaints that have been made unto his Majty of the Irregular ꝓceedings of the Capts of some of his Shipps of Warr in the impressing of Seamen in Sevrall of his plantations his Majty hath thought fitt to order and hath given direccōns to the Com̄issioners of the Admralty accordingly that when any Capt or Com̄ander of any of the Shipps of Warr in any of his said plantacōns shall haue occasion for Seamen to Serve on bord the Shipp vnder their Com̄and

Original Journal.

they doe make their Applicacōns to the Governo^{r} & Com̄ander in Cheife of the said plantacon respectiuely To whom as Vice Adm^{r}alls his Maj^{ty} is pleased to com̄itt the Sole proper power of impressing Seamen in any of his plantacōns in America or in Sight of any of any them you are therefore hereby Required upon such applicacōn made to you by any of the Comanders of his Maj^{tys} said Shipps of Warr wthin the afsd province of Maryland under your Governm^{t} to take care that the said Shipps of Warr be furnished wth the number of Seamen that may be necessary for his Maj^{ty} Service on board them from time to time.

8. And for the Greater security of that province you are to appoint fitt officers & Com̄anders in the Severall p^{r}tes of the Country bordering upon the said Indians who upon any Invation may raise men & Armes to oppose them untill they shall receive your Direccōns therein

9: You shall cause a Survey to be taken of all the considerable Landing places and harbours in the said province & wth the Advice of his Maj^{tys} Covncill there Erect many of them such fortificacōns as shall be necessary for the security & advantage of that prouince w^{ch} shall be done at the publick Charge of the Country not doubting of the chearefull concurrance of the Inhabitants thereunto for the com̄on security & benefitt they will receive thereby.

10: You shall likewise soon after your Entrance upon the Governm^{t} of his Maj^{tys} s^{d} province send ann Acco^{t} to his Maj^{ty} & to the Com^{rs} for trade & plantacōns of the p^{r}sent numb^{r} of Planters & Inhabitants men women & Children as well Mast^{rs} as Serv^{ts} ffree & unffree & of the Slaves in eu^{r}y respective Countyes or Districts of the said province as allsoe a yearely account of the increase & Decrease of them & how many of them are fitt or oblidged to beare armes in the respectiue Countyes or Districts aforesaid

11. You shall likewise take that a Gen^{r}all Survey be made p. 8 of all the s^{d} province and of Each County in it & that an Exact Map or Mapps be therevpon drawne and Transmitted to his Ma^{ty} and to the afs^{d} Com^{rs} for trade and plantations

12: You are allsoe wth the Assistance of the Councill & Assemb: to find out the best means to facilitate & Incourage the Converssion of negroes & Indians to the Christian Religion.

13. You are to recommend to the Councill & Assemb: the reaiseing of the Stocks & building publick worke houses in Convenient places for the Imploying of poore & indigent people.

The house adjournes till to morrow Six of Clock

Original Journal.

Dies Veneris Iune the 30th 1699.

The house mett againe and were Called over & the Delegates Yesterday p^{r}sent appeared & M^{r} Iames Sander Maj^{r} Tho: Ennalls M^{r} Tho: Hicks M^{r} Walter Campbell and Doct^{r} Iacob Loockerman appeared in the house

M^{r} Speaker brings into the house the answer to his Ex^{cys} Speech w^{ch} was ord^{r}d by him to be prepared w^{ch} was read (viz)

By the house of Delegates Iune 30th 1699:

May it Please yo^{r} Ex^{cy}

2: Wee Humbley thank your Ex^{cy} for yo^{r} Ingenuous Speech & Declaration of your mind to us whereof you were pleased to lett us have a Coppy & wee assure yo^{r} Ex^{cy} that the Certaine Carecter wee have heard of yo^{r} Ex^{cys} Iust and Prudent Governm^{t} & Candid Treating of his Maj^{tys} Subjects in other parts of America gives us full assurance that yo^{r} Ex^{cy} will practice the same to us wthout any apprehenssion of the Contrary & that yo^{r} Ex^{cy} will Cast upon us the True reflection of his Maj^{tys} Serene & Gracious asspect & you shall surely find his Maj^{tyes} Subjects here of an Ingenious humble obedient & Loyall disposition and as sincerely Endeavouring that nothing shall disconsonant the good Harmony you wish to find as Law and Duty can oblidge a well satisfyed people too. The many Benefitts this province has received by being taken into his Maj^{tyes} immediate protection wee Gratefully acknowledge and admire the Greatness of his mind that his more Vast and Important affaires in Europe are so Easy to him that he Can Condescend to soe ꝑticular Consideration of this his Province wee are Glad to find our Selfs so much in his Care and Confess it a great blessing to be vnder his Governm^{t} w^{ch} pray god Long to preserve.

That notion of his Maj^{tyes} & Countreys Interest differing & Interfereing so prejudiciall & fatall to Concord & Unity is never imbibed by us they doe not understand us that informed you and allthough yo^{r} Ex^{cy} serveing his Maj^{tye} in a higher Station than any of us may render your Loyalty more perspicious yet wee will Contend that ours shall be vniforme & proportionable and as we never had any apprehension that his Maj^{ty} wold retrench us of any of those rights & priviledges here w^{ch} we have in England soe will wee allwayes Esteeme his Royall prorogative sacred and hope wee shall never see it misapplyed to personall Strife & Contests nor to Iustifye any violent action.

p. 9 As to the Church affaire wee are Glad to find yo^{r} Ex^{cy} soe willing to Ioyne in the promotion of it soe wee shall be all

Original Journal.

wayes ready to Concurr wth yor Excy soe farr as the Capacity of the Province will reasonably Admitt. Wee are Sufficiently assured of yor Excys good Intention & inclination to assert the Interest of this province and to doe us Iustice & are in an Especiall manner pleased to find in yor Excy that apertnes of Mind that Cleaness and freedome from prejudice and prepossesions of bad opinions against any Man and desire you will belive us all honest Men lett us all indefferently ꝑtake the advantages of yor good Govermt and applye his Majtys Grace & favour in Common matters indifferently to us all till any Mans actions bespeakes him otherwise. Wee Cannot omitt to telling yor Excy that Wee take it as an infallable argumt of yor owne sincerity & Candour that no Sinister ꝑswasions have Disscoraged yor Excy from making Vse of and Treating wth the prsent Assembly wch at your comeing you found all ready Elected we hope you will not find your Self mistaken in yor Measures desireing this much that as wee are men & lyable to Mistakes & Errors that if any thing ꝑceeds from us wch at first is not pleasing to yor Excy that it may not be haestily resented till wee be better vnderstood & we assure yor Excy that we will Ioyne wth a Chearfulness more then has lately possessed us to dispatch the besiness wch occassions our metting if yor Excys Iudgmt and ours agree in measureing the Capacity of the province

Signed ꝑ Ordr
Chr Gregory Cłk house Dell.

Ord'd that Coll Iohn Thompson & Capt Philip Hoskins goe and Informe his Excye that there are some members now come wch did not take the oaths afsd: Subscribed the Test & association yesterday & pray his Excys Ordr therein who returne & say they have deliverd their Message.

The Honble Thomas Tench Esqr and Coll Ion Courtes Two of his Majtys Honble Councill and Mr Wm Bladen Cłk of his Majty Councill Enter the house and informe Mr Speaker that his Excy has been pleased to send them to administer the afsd oathes to the afsd psons.

Whereupon Mr Iames Saunders Majr Tho. Ennalls Mr Thomas Hicks Mr Walter Campbell & Mr Iacob Loockerman Tooke the oathes afsd and Subscribed the Test & the association wch being done the Gent: of his Majtyes Honble Councill and Mr Wm Bladen take leave & Depart.

Ord'd that Capt Tho: Waughop Majr Ion Lowe Mr Micha Miller Capt Richd. Hill Mr Iames Crauford Majr Iames Smalwood Mr Tho. Staley Coll: Edwd Lloyd Mr Iacob Loockerman Mr William Harris and Coll: Ninian Beale Carry the afsd answer to Excys speech to his Excy and Councill

Original Journal. p. 10 They returne and say they have delivered there Message

By the house of Delegates Iune 30th 1699:

May it Please yor Excy

This house does humbly desire that yor Excy will be pleased to appointe some of his Mastys Hōnble Covncill to Ioyne in a Comitte wth some of the Members of this house to Consider of the Reasons that obstructs the building of the Church & ffree schoole to be built wthin this port & towne of Annopolis

Signed ꝑ Ordr
Chr Gregory Clk house Dell.

Ordrd that Coll Ion Thompson & Mr Elisha hall Carry the sd Message to his Excy and Covncill

They returne and say they have Delivered their Message
Resolved that Sixteen Members wth Mr Speaker be a Sufficient number to make a house to doe bussiness

Ordrd Majr Ion Lowe Mr Symon Wilmore Capt Richd Hill Mr Ion Leech Mr Benja Hall Coll Edwd Lloyd Majr Thomas Ennalls Mr Ion Carvill Mr Wm Hutchinson Mr Ion Bozmon Mr Iames Crawford Mr Richd Tilghman and Mr Michaell Miller be appointed a Comitte to inspect and revise and Compleate the body of Laws & for the drawing and Considerring of such new Laws as shall be made this Sessions and ꝑticularly to Consider of the Law relateing to the Surveying of Lands.

Resolved that the said Comittee goe out and Consider of such their Charge and that they sitt in the Iury Roome.

The Honble Coll. Charles Hutchins Thos Brookes Robt Smith Ion Hammond & Tho: Taskers Esqrs all of his Majtyes Covncill Enter the house and prsent the following Message

By the Councill in Assembly Iune the 30th 1699:

Gent:

Yesterday his Excy was pleased to lay before you Severall of his Majtyes Royall instructions to the End you may discerne thereby his Princely Care and Concerne for us and if you have any thing to observe or advise towards the fullfilling & ꝑformance of them this board is ready to attend it and Joyne wth you therein.

The principale matters that are recommended to your Consideration are the buisness of this Sesssions are these

1: The Reviseing & Comeposeing our Laws into one Compleate Body according to his Majtys Royall instructions w^{ch} being well Effected will be of Great use and benefitt to this province & is therefore Recomended as the first and most materiall Original Journal.

2: The Affaire of the Church at Annapolis agreed for & Money has been raised by the Publick but Little or noe advance made therein by these who vndertook it what further Course therefore shall be taken for the Compleating of the same is the next thing to be Considerd p. 11

3: The affaire of the Indians by whome a murther on two p^{r}sons has been lately on the ffrontiers Committed by w^{ch} the Inhabitants are put into Great fears & Dangers & the ffronters likely to be deserted if not Speedily taken Care of what Corse is therefore to be taken to Suppress such outrages & secure the ffronters but sume p^{r}sons not yet come that is Expected as allsoe some Indians may give further insight to that matter w^{ch} otherwise would have been one of the first things thought off.

If you haue any thing to offer as from your Self for his Mas^{tyes} Service and good of the Country this board is ready to attend it and Give you their best & Cordiall Assistance and are fully assured of his Ex^{cys} desire & rediness to doe us good in all things

Signed ꝑ Ord^{r}
W Bladen Cłk Council.

The Honble Thomas Tench Iames ffrisby and Iohn Courtes Esq^{rs} and Maj^{r} W^{m} Dent his Mas^{tye} Att^{ry} Gen^{ll} enter the house and p^{r}sent the following Message.

By his Ex^{cy} the Gov^{r} &c.

Gent:

I returne you my vtmost thankes for the good construction & Compliance you are pleased to have of what I have said to you and it is an vnspeakable Satisfaction to me to see you all soe Candid in yo^{r} Expressions by w^{ch} I am morally assured that your actions in this Assemb: will demonstrate the good Effects this province will receive under yo^{r} Conduct if I were to answer Every paragraph of yo^{r} Kind returne it would take vp too much time w^{ch} is now so valuable therefore shall onely assure you th^{t} as to my owne ꝑticular I will allways make it my Study to meritt yo^{r} good opinions & will wth all alacrity ꝑsue those measures you desire & w^{ch} are Suitable to mine owne inclinations in not being too hasty in takeing any thing by a wrong handle.

Signed by his Ex^{cyes} Com̄and
W Bladen Cłk Council.

Original Journal. Resolved that answer be Drawne up & sent to Message by Coll Hutchins w^ch^ was Drawne up as followeth (viz)

The Honble Io^n^ Hammond & Thomas Tasker Esq^rs^ Enter the house & p^r^sent the following Message (viz)

By his Ex^cy^ the Gov^r^ & Counciil in Assemb:
Iune 30^th^ 1699.

Ord^r^d that the Honble Maj^r^ Iohn Hammond & Thos Tasker Esq^rs^ doe Ioyne w^th^ the members of the house appointed of a Comittee to Consider what obstructs the bulding the Church & ffree scoole in this Towne & porte of Annapolis.

Signed ꝑ Ord^r^ W Bladen Clk Councill

p. 12 By the house of Delegates Iune the 30^th^ 1699:

The Message by the Honble Coll. Charles Hutchins Thomas Brooks Esq^r^ Rob^t^ Smith Esq^r^ Maj^r^ Io^n^ Hammond and Thomas Tasker Esq^r^ was received

1: As to the first Article wee Humbly offer that this house have all ready appoynted and sent out a Select Comittee for the Reviseing & Compleateing the Body of Laws

2: This house have appoynted M^r^ Sam^ll^ Young M^r^ Iacob Moreland M^r^ Tho. Staley for to Ioyne w^th^ his Maj^tyes^ Honble Covncill to Consider of the building of the Church & ffree Schoole

3: As to the Indians Affaires this house will take it into their Consideration when such further Testiamoney as is Expected Comes to Towne.

4: As to his Mas^tys^ Royall instructions w^ch^ your Ex^cy^ was pleased to Lay befor us wee have Considered of them & doe not find any thing Lyes directly upon us to Answer

Indeed in the Eighth Paragraph wee find something mentioned of the Indians w^ch^ instructions wee shall ꝑforme as yo^r^ Ex^cy^ and his Maj^tyes^ Honble Councill & this house shall agree upon when the Indian Matters shall come under Consideration

Ord^r^d that M^r^ Sam^ll^ Young M^r^ Iacob Moreland & M^r^ Thomas Staley Carry the aboue Message to his Ex^cy^ and Covncill

Who returne & say that they have delivered there Message

Vpon motion made to the house by Coll: Io^n^ Thompson that dureing setting of the Last Sessions he had been served w^th^ a Sup^a^ by Iohn Gray one of the vnder Sheriffs of this Covnty Contrary to the Priviledges of this house and that the s^d^ Iohn Gray was now an officer attending upon his Ex^cy^ and the Covncill.

Resolved that M^r^ William Harris and M^r^ Iohn Whittington goe and acquaint his Ex^cy^ & his Maj^tyes^ Honble Covncill here w^th^ & pray his Ex^cys^ Leave that the sd Iohn Gray may be taken into Custody and brought before this house to answer such his Contempt Original Journal.

M^r^ W^m^ Harris and M^r^ Iohn Whittington returne and say they have Deliverd their Message & that his Ex^cy^ has been pleased to Grant that the said Iohn Gray be taken into Custody and answer his Contempt as required

Ord^r^d that the Serjeant Attendant Take Iohn Gray into his Custody & bring him to the Barr of this house to answer his Contempt.

The Serjeant attendant brings to the Barr the s^d^ Iohn Gray who being Taxed w^th^ the Charge afs^d^ Confessed the same & humbly Submitting himselfe to the house was Discharged paying his ffees.

Vpon the Reading of the Petition of M^r^ Philip Lynes wherein he prays allowance of this house for thc Sum̄e of 52109 ꝑds of Tob^a^ for Sundry Expences of Severall ꝑsons at his house at the arivall his Ex^cy^ Gov^r^ Coply in the year 1692: p. 13

Resolved that for as much as by the Iovrnall of the Com̄ittee of Acco^ts^ in March 1698 it doth appear that the same was then rejected because they found by the Iournall of the Comittee of Acco^ts^ in 1694 he was allowed fourteen Thousand and odd ꝑds of Tobacco w^ch^ was the Ball of his acco^ts^ at that time That the sd petition be wholy rejected & never more be brought into this house nor further releife theirin Given

The house Adjournes Till to Morrow Morning Six of Clock.

Die Saturnij Iuly 18^th^ 1699:

The house Mett and were Called over and appeared in the house more then what were P^r^sent Yesterday M^r^ Iohn Leech M^r^ Iohn Bozman M^r^ Sam^ll^ Collins & M^r^ Walter Lane

Read over what was done Yesterday.

Ord^r^d that M^r^ Iacob Loockerman and Cap^t^ Philip Hoskins Give notice to his Ex^cy^ that there is some more members come to the house who have not Taken the Oathes and Subscribed The Test & association this Sessions.

Who returne and Say they have Deliverd their Message. The Honble Coll: Charles Hutchins & ffrancis Ienkins Esq^rs^ and Maj^r^ W^m^ Dent his Maj^tys^ Att^ry^ Gen^ll^ who administred the Oathes to M^r^ Iohn Leech M^r^ Iohn Bozman M^r^ Sam^ll^ Collins and M^r^ Walter Lane who having taken the Same Severally Subscribed the Test & the association w^ch^ being Done the Gent: of his Maj^tys^ Hon^ble^ Covncill and the Att^ty^ Gen^ll^ Depart.

Original Journal. Mr Wm Harris Mr Elisha Hall & Mr Walter Smith appoint'd a Comittee of Agreivances & went out to Consult thereof

By the house of Delegates Iune the 30th 1699.

Takeing againe into Consideration the Coppy of some of his Majtys Instructions Laid before vs wee find some paragraphs having Relation to the Assembly and Inhabitants of this Province ꝑticularly the ninth wherein his Excy is Instructed to Cause a Survey to be made of the most Considerable Landings places and harbours &c To Erect fortifications &c not doubting of the Cheerfull Complyance of the Inhabitants.

To which wee humbly answer that this Province from one Side p. 14 to the other being soe Luxuriant in Navigable Rivers & Creeks and Those Rivers & Creeks having soe many Branches Navigable and soe many Capacious harbours and faire Landings the province being Generally Lowe Levell Land next the Water & noe Rocks or Barrs to prohibitt Landings the Trade of the Province and Shipping disperssing it Self soe Equally & Generally all over the Province by the Convenience of those Creeks Rivers & harbours that it does not seem to vs a thing practicable to Erect any such fortifications nor to restraine Shipping from there vsuall places of Trade and Confine them to any particular harbour & wee are Confident that if their Ldps the Lords Comrs of Trade and Plantations did visibly Know this Province they would Concurr wth us and further adjudge that all the Revenues of this Province were insignificant to the Erecting of such Durable ffortifications as would Deffend themselfs & would be any considerable security to Shipping in any Case.

And whereas it is required that a Competent Maintenance be assigned to Ministers of Each Church and Convenient houses &c.

We humbly Conceive that wee have allready made such a Competent Maintenance as is proportionable to the Countrys Capacity but where as the dayly Growth and Increase of this Infant Country may Like anough in a few years cause an alteration of Parishes & for the few Ministers comeing here bring familys nor would an house alone wthout Land and a plantation or Glebe be any Considerable vse to the Minister therefore wee Desire to be Excused from any further prsent Charge yet we will be allwayes ready to provide for the Cleargye by assigning them Land or other waise as the wealth or Strength of the Province Increases if they themselfs be neglect of their Duty (having now to Look into their Conversations) be not there owne hendrance & by their Couldness Stiffen our Zeale

And for Publick Worke houses wee Adjudge them all together Needless none need Stand still for want of Imploymt the Province wants workmen workemen want not work here is noe Beggars & they that are Superannuated are reasonably well provided for by the Countys Signed ꝑ Ordr Original Journal.

Chr. Gregory Clk house Dell.

Ordrp that Mr Samll Collins & Mr Iacob Moreland Carry the said Message they Returne and say they have DD their Message

Ordrd that Mr Samll Young and Mr Iacob Moreland & Mr Tho: Staley goe and Ioyne wth the Gent: of his Majtys Covncill on the Comittee for inspecting the work of the Church and ffreeschoole who accordingly went out. p. 15

The Honble Iames ffrisby and Robt Smith Esqr Enter the house and prsent the following Message

By the Councill in Assembly Iuly 1st 1699:

Gent.

The Message by Capt Moreland & Mr Collins and yor observations upon Severall of his Matys Royall instructions has been here read & Considerd and this board doe approue thereof and Concurr wth you therein

Signed ꝑ ordr
W Bladen Clk Councill

The house adjournes till Two of the Clock

Eodem Die the house mett againe & were prsent as in the morning.

Resolved that Mr Iohn Bozman call into the house the Comittee of Laws

The Comittee of Laws Enter the house.

Resolved Capt Richd Hill Mr Iames Crauford Mr Michaell Miller Mr Richd Tilghman and Coll: Edward Loyd be perticularly appointed to applye themselfs to the Reviseing and Compleating the Body of Laws and the Remg part ꝑticularly to Consider the Lawe aboute the Surveying of Lands & if upon any Difficulty it should be required that they should want Either the advise or assistance of Each other that they vpon any such occasion may and are admitted to rejoyne themselfs into one intire Comittee untill the same or any such poynt shall be discussed and Decided.

The Comittee appoynted to Consider of the reasons tht obstructd the building of the Church & ffreeschoole in the port & Towne of Annapolis Enter the house and made report as foll.

Original Journal. At a Comittee held at the house of Mr Ion ffreeman in the port of Annapolis The Honble Maj Ion Hammond Cheareman

In pursuance of an Ordr of his Excy and Councill in Assemb: wee the Comittee appoynted viz the Honble Majr Ion Hammond Thomas Tasker Esqr Mr Samll Young Iacob Moreland & Thomas Staley mett in Ordr to make report what are the Obstructions why the Church & freeschoole goes not forward & are finished by Majr Edward Dorsey the vndertaker of the sd worke who Report as followeth

Imprs Throvgh the negligence of the sd Dorsey the vndertaker their is neither Brick nor Lumber to Carry on the building p. 16 sd Church though he has received Severall sumes of money in hand to Carry on the same and vpon his request has had Considerable Longer Time allowed him more then his first Agremt to Compleate & finish the same in

As to the ffreeschoole the said vndertaker has Lately been negligent in Providing workmen to ffinish the Same.

Its therefore the Opinion of this Committee that the sd Dorsey be Immediately sent for to answer the Premises before this house.

Iohn Hammond

This House doe Concurr wth the opinion of the said Comittee & have resolved that the Sarjant attendant shall be sent for him to be here on Munday Morning Ten of Clock if yor Excy shall be pleased to Consent theretoe Signed ꝑ Ordr

Chr Gregory Cłk house Dell:

Ordrd that Mr Thomas Hicks and Mr Wm Harris Carry the sd Message

Who returne and say they have Delivered the Same

The Honble Majr Ion Hammond & Thomas Tasker Esqr Enter the house

By his Excy the Gour & Covncll in Assemb:
Iuly 1st 1699.

The wthin report of the Comitte for Considering the building of the Church & ffreeschoole having been read here this Board doe Concurr wth the Sentements of the Comitte thereupon and doe Consent that the sd Majr Dorsey be sent for to give the house the Satisfaction required. Signed ꝑ Ordr

W Bladen Cłk Councill.

Read the Petition of Mr Robt Yates of Charles County Referred till further Satisfaction appears.

Read the Petition of Mr Iohn Dent praying to have an ordr from this house for himselfe & his heirs to keep Ordry at the Coole Springs & to pay noe Lycense nor to Admitt any other to keep Ordry there. Original Journal.

It is the opinion of this house that if he will Keep Ordry he may applye himself to the County Co'rt but this house will not restrain any other ꝑson from Keeping Ordry there that will sett vp.

The house Adjournes till Monday Morning seven of Clock

Dies Luna Iuly 3d 1699.

The house mett and were Called over and were ꝑrsent as on Saturday Except Majr Walter Smith.

Read over what was Done on Saturday

Proposed by the Treasurer of the Eastern Shoare that whereas by the Act of Assembly laying an Imposition on Severall officers that There is a great Arrear due from the Severall officers in Dorchester and Sumrsett Countys and that notwithstanding he hath prosecuted them to Iudgmt you Cannot Gett the Tobacco but that now he has an Oppertunity that he Can dispose of the same good & Bad Together for six shillings ꝑ hundred if this house will Consent Thereto. p. 17

Resolved by this house that the said Treasurer dispose of the same for Six Shillings ꝑ hundred.

Ordrd that Majr Thomas Smith Capt Philip Hoskins & Coll Ion Thompson be appointed a Comittee to inspect the Publick Accounts of this province and Ordrd that the sd Comittee goe to Mr Wm Bladen Cłk of his Mastys Honble Covncill & require of him the Agreemt made with Majr Edward Dorsey for the building the Church & ffreeschoole in the Port of Annapolis.

Ordrd that Mr Wm Taylard prepare a Conveyance to Invest the Lands Taken up for the vse of the Coole Springs to the Trustees for the vse of the poore and that he bring in the Same by four of Clock in the afternoone.

The Honble Coll Iohn Addison Coll Iohn Courts & Mr Wm Bladen Cłk of his Majtys Honble Councill Enter the house & ꝑrsent the following message and bring into this house his Excys Comission

By his Excy the Govr &c Iuly 3d 1699.

Gent

My reguards and Respects are very ꝑticular to yor house & I would not willingly Omitt any thing for it is the Intention that makes the Action the True reason that I did not send my

Original Journal. Comission to you before for yor perrusiall was my not having the Least Intimation It was Either [desired or] expected. It has been Published upon my Accession to the Govermt and is for the better Satisfaction of the Inhabitants of this Province who may have recourse thereto Recorded in the Secrys office.

Signed ꝑ Ordr
W Bladen Clk Councill.

Ordrd that his Excys Comission be Read wch accordingly was Read

Ordrd that Mr Wm Harris Mr Iacob Loockerman Mr Walter Campbell Mr Samll Young Mr Ninian Beale Mr Samll Lane Mr Elisha Hall Mr George Ashman Mr Thomas Hicks & Mr Tho: Staly Carry back his Excys Comission and returne his Excy the thanks of this house for his soe freely sending them for there ꝑusall

Who returne & say they have delivered their Message

p. 18 By the house of Delegates Iuly 3d 1699.

fforasmuch as by Our Journall of the Last Sessions wee find that there was one hundred pounds Sterling allotted for the use of the Coole springs towards the purchase of 50 Acres of Land & for the Building of small Tenements for the good & Benefitt of such poore Impotent and Lame ꝑsons as shall resort thither and wee find that the trustees appoynted by act of Assembly to purchase the sd Land have purchased the same for 25 ꝑds Sterl: soe that there is yet 75 ꝑds Sterl: remaining towards the building of such Tenemts

Wee humbley pray that yor Excey will be pleased to appoynt Two of his Majtys Honble Covncill to joyne wth three of the Members of this house to Consider of the Erecting such Tenemts.

Signed ꝑ Ordr
Chr Gregory Clk house Dell:

Ordrd that Mr Iacob Moreland and Mr Walter Cambell Carry the Above Message to his Excy and Councill.

They returne and say they have delivered there Message. The Sarjent attendant came into the house and made report that he had Taken Majr Edward Dorsey into his Custody according to the Ordr of this house and that he had him ready to bring before this house when they should be pleased to Command it.

Ordrd that the said Majr Dorsey be brought here at Two of the Clock this afternoone. The house Adjournes till 2 a Clock.

Eodem Die the house mett againe & were p^r^sent as in the morning. Original Journal.

Ord^r^d that that the Serjeant attendant bring Maj^r^ Dorsey to the Barr of this house

Maj^r^ Dorsey appeares in the house

Maj^r^ Dorsey is Asked by this house that for as much as he is the vnd^r^taker for the building of the Church and freeschoole w^th^in the Port and Towne of Annapolis and has in ord^r^ thereunto received severall Sumes of money from the Country what Reason he has to Give why the same is not Compleated and finished according to his Agreem^t^ made therefore

Who makes Answer that notwithstanding he has taken Diligent Care to provide workmen to Compleat and finish the same that they are Runaway and Descerted the s^d^ worke and that now it is an impossibility for him to vndertake the building of the Church workmen not being to be Gott by him neither in this Province nor Philadelphia and therefore as to the Church he will Submitt to what this house shall adjudge p. 19 him but for his proceeding any further in it his resolution is he never will but for the freeschoole he will take Care to have that finished as soone as possible

Ord^r^d that Maj^r^ Dorsey w^th^ draw who w^th^drawes Resolved that M^r^ Iames Saunders M^r^ Iacob Moreland and M^r^ George Ashman be appoynted to Ioyne in a Conferrence w^th^ some of his Maj^tyes^ Honble Councill concerning Maj^r^ Dorseys answer

By the house of Delegate Iuly 3^d^ 1699:

The house humbly prays yo^r^ Ex^cy^ to appoynt some of the Gent: of his Maj^tys^ Covncill to Conferr w^th^ sume of the members of this house Concerning the buisness of Maj^r^ Dorsey and that they will appoynt the Time and place and the Gents. herew^th^ sent will attend upon them

Signed ꝑ Ord^r^
Chr Gregory Clk house Dell.

Ord^r^d that M^r^ Iames Saunders M^r^ Iacob Moreland & M^r^ George Ashman Carry the sayd Message.

Read M^r^ Chew and Companeyes Petition Concerning negroes which was granted.

The Comittee appoynted to Conferr w^th^ his Maj^tyes^ Honble Councill in relation to the Church and ffreeschoole Enter the house theire.

Report is referrd till To Morrow Morning

The house Adjournes till to Morrow Morning

Original Journal.

Dies Martis Iuly 4th 1699.

The house mett againe and were Called ouer and Maj^{r} Walter Smith againe appeared.

Read The Bill Explaining

The first time and ord^{r}d to be read againe on Thursday morning

Read the Report of the Comittee for Consedering the building of the Church and ffreeschoole.

Ord^{r}d that they Goe out againe vpon the same Comittee and inquire what money has been paid to Maj^{r} Dorsey and on what account

Read the Report of the Comitte for inspecting the Law Concerning the Surveying of Lands.

Ord^{r}d that they goe out & further Consider thereof Proposed that a message be sent to his Ex^{cy} for to request his Ex$^{c}_{y}$ To Grant a Commission of Oyer & Terminer for the Tryall of Two Criminall w^{ch} are in Prison for Murther

Carryed in the Affirmative.

p. 20

By the house of Delegates Iuly 4th 1699.

Whereas it is represented to this house that there is now in the Custody of the Sheriff of Ann Arundell County a Certaine Mallefactor Comitted for the Crying and horrid Sin of Murther and another in the Custody of the Sherif of saint Maryes County for Comitting of another Murther and that To Keep and Maintaine the said Prisoners in the said Prisons untill the next Provinciall Court will be a great Charge and Burthen to the Province & for as much as there is as well Severall of his Maj^{tes} Iustices of the Provinciall Court and his Maj^{tyes} Att^{ry} Gen^{ll} now in Towne whereby the s^{d} Criminalls may be brought to Speedey and condigne Punishment and by that means Save the Charge Afs^{d}:

This house hombly prays that yo^{r} Ex^{cy} will be pleased to Grant a Commission of Oyer & Terminer for the trying hearing and determining the Criminalls afsd during the Setting of this Sessions

2: This house has not yet taken the Indian affaire into Consideracōn Expecting some further Information from Coll Addison wherefore wee hombly pray yo^{r} Ex^{cy} that if you have any matter Relateing thereunto to Lay before this house that you would be pleased to Communicate the Same to us.

3: This house humble prays yo^{r} Ex^{cy} will be pleased to appoynt the Same Gent. of his Maj^{tys} Honble Councill to Ioyne againe wth the same Members of this house to inquire what money has been paid to Maj^{r} Dorsey and on what accompt

Signed ꝑ ord^{r}

Chr Gregory Clk house of Dell.

Ord^r^d that M^r^ Iames Saunders M^r^ Iacob Moreland and M^r^ George Ashman Carry the said Message who Returne and say they have Deliverd the Same. Original Journal.

The honble Iames ffresby & Rob^t^ Smith Esq^rs^ Enter the house and P^r^sent the following Message.

By his Ex^cy^ the Gov^r^ and Covncill of Assembly
Iuly 4^th^ 1699

The houses Message by M^r^ Saunders Cap^t^ Moreland & M^r^ Ashman has been there received & read and as to the first part thereof his Ex^cy^ is very willing to doe what Lyes in him to the Easing the Province of any Burthen or Charge & has Ord^r^d that a commissōn of Oyer and Terminer doe Issue for the Tryall of the two Malefactors and Murtherers during this Sessions of Assemb: according to the request of the house.

As to the affair about the Indians and the Murthers Lately comitted By them Severall papers sent to his Ex^cy^ from Virg^a^ are recommended to the house for their ꝑusall upon w^ch^ it is thought adviseable that the house would inquire of Coll Beale Lev^t^ Coll: Smallwood and M^r^ Hutchinsson who are the best able to give them an Acc^t^ thereof and what steps have been made therein and if that the house appoynt a Comittee to Consider thereof the Honble Coll Iohn Addison is Ord^r^d to Ioyne w^th^ them. p. 21

As to the houses request that the same Gent of the Covncill may againe Ioyne with the same members of yo^r^ house to inquire what money has been paid to Maj^r^ Dorsey and vpon what acc^tt^ the said Gent are Ord^r^d to Ioyne w^th^ the members of the house.

Signed ꝑ Ord^r^
W Bladen Clk Covncill.

The house Adjournes untill Two of the Clock.

Eod Die the house mett againe & were called over

Read Cap^t^ Hump^r^ Pellewes Petition praying that in Consideration of the Loss of his Ship being accidentelly burnt he may be Discharged from paying the Dutyes of Severall Servants imported in the said Ship the said voyage for w^ch^ he had given security.

Which was Granted and Ord^r^d that Cap^t^ Tho: Collier Navall officer of the Port of W^m^ Stadt Give vp to the said Hump^r^ Pellew such security as he has Taken for the Dues for the Importation of such Servan^ts^ as in the Petition is set forth.

Signed ꝑ Ord^r^
Chr Gregory Clk house Dell.

Original Journal. Read the Petition of M^r^ Henry Crofts.

Ord^r^d that the same be referrd to the Comittee now Set to Consider of the bussiness of the Church & ffree schoole & that they call as well the said Maj^r^ Dorsey as the said Henry Crofts to ꝑsonally appear before them as well to prosecute as to defend the Matters Contained in the said Petition.

Read M^r^ ffeilders Petition

Referrd till Munday next

Read M^r^ Colliers Petition

Ord^r^d that the Comittee for Surveying of Lands ꝑpare a bill for preventing the same ag^t^ Thirsday morning

p. 22 Proposed what Measures shall be taken in relation to the Indians

Resolved that a Conference be held w^th^ the Honble Coll: Iohn Addison according to his Ex^cy^ & Councills Message

The Comittee for Considering of the Church & freeschoole Enter the house and bring in their Report as follows—Att a comittee held at the house of M^r^ Iohn ffreeman appoynted by his Ex^cy^ in Covncill & house of Delegates w^ch^ were Maj^r^ Io^n^ Ham̄ond and Tho: Tasker two of his Maj^tyes^ Honble Councill M^r^ Iames Saunders Cap^t^ Iacob Moreland & M^r^ George Ashman of the house of Delegates who Chose Maj^r^ Iohn Hammond Cheirman which Comittee was appoynted to inspect into the bussiness of Maj^r^ Edward Dorsey relateing to the Church and ffreeschoole who Returne for Answer

They the Comittee finds upon the Iournall of the ffreeschoole that Maj^r^ Edward Dorsey did become surety w^th^ William ffreeman for finishing the Churche and ffreeschoole by Recognizance in the penalty of Three thousand pounds Sterling to the trustees of the ffreeschoole for the performance of the said work and to finish the same w^ch^ will more at Large appear by the said Iournall w^ch^ wee Referr to yo^r^ Hon^rs^

Which Comitte was appoynted to inspect into the bussiness of M^r^ Edward Dorsey relateing to what moneys he hath received out of the Publick for building a ffreeschoole and A Church at the port of Annapolis w^ch^ the said Dorsey oblidged himself to ꝑforme as by a Contract in Writting more at Large appears the sd Dorsey being Called before this Comittee says that he has rec^d^ 332: 13: 4 Sterling in part of pay for the ffreeschoole and 333: 6: 8 Sterl in part of pay for the Church in all is 666: 00: 00

Wee the Comittee at the time and place afsd: did Call before us the said Dorsey and Crofts to answer the petition sent us w^ch^ Contains Severall Complaints ag^t^ the sd Dorsey by the sd Crofts w^ch^ said Petition has been Considered & the

Complainant Examined before us who has not proved one Complaint in the Petition to be True as is set fourth in the sd Petition Original Journal.

Iohn Hammond

Ordrd that Majr Dorsey be Called into the house who makes his appearance.

Who is asked what reason he Can give why he should not repay the money recd by him on Accot of building the Church p. 23

Who Maks answer that he is willing to returne the Same

Ordrd that Majr Dorsey withdraw

By the house of Delegates Iuly 4th 1699:

Vpon the report of the Comittee for considering what obstructs the building of the Church and ffreeschoole.

It is the opinion of this house that Majr Dorsey either Submitt himself to the Genll Assembly and to such fine as they shall think Convenient for such his neglect or that a Suite of Comon Law should be Comenced agt him on his Recognizance if yor Excy and Councill shall Concur therewith

Signed ꝑ Ordr
Chr Gregory Clk house Dell.

Ordrd that Mr Iacob Moreland and Doctr Iacob Loockerman Carry the sd Message who returne and say the Delverd the same

Proposed that for as Much as the Tobacco due in Sumrset Covnty upon the Act Imposeing a Certaine fine vpon officers is sold to Majr Wm Whittington at six shillings ꝑ Ctt according to ordr of this house that a bill be Drawne Impowring the said Majr Whittington in his owne name and to his owne vse to sue for and recover the same.

Resolved tht a bill be Drawne and that Mr Wm Taylard ꝑpare the same agt to Morrow morning.

The honble Iohn Hammond Esqr and Tho. Tasker Esqr Enter the house and ꝑrsent the following Message.

By his Excy the Govr and Councill in Assembly
Iuly 4th 1699:

The Message by Capt Moreland and Doctr Loockerman has been read & Considered & is recommended to you to Know of the said Dorsey if he will volintarily Submitt as proposed wch if he Does that you propose what sum the fine shall be and

Original Journal. in what manner laid but if he refuses Submission that you will view the obligation by w^{ch} he stands Engaged and Consider whither it be authentick to found a suit at Common Law on or whither it may not be necessary by some Law to make the same authentick according to the true intent & meaning thereof

Signed ꝑ Ord^{r}
W Bladen Clk Councill.

Resolved that the sd Maj^{r} Edward Dorsey be sent for & p. 24 Demanded if he will Submitt to the Gen^{ll} Assembly and to such fine as they shall think Convenient or not

Ord^{r}d that Maj^{r} Tho. Smith Coll Io^{n} Thompson M^{r} Sam^{ll} Young Cap^{t} Philip Hoskins M^{r} Iames Smalwood Coll: Ninian Beale & M^{r} W^{m} Hutchinson be appoynted a Comittee to Conferr wth his Maj^{ties} Honble Councill in relation to the Indian affaires.

By the house of Delegates Iuly 4th 1699.

This house have appoynted Maj^{r} Tho: Smith Coll: Iohn Thompson M^{r} Sam^{ll} Young Cap^{t} Philip Hoskins M^{r} Iames Smalwood Coll Ninion Beale and M^{r} W^{m} Hutchinson to Ioyne in Conferrence wth his Maj^{ties} Honble Covncill in relation to the Affaire concerning the Indians and to Attend them at such time & place as they shall appoynt

Signed ꝑ Ord^{r}
Chr Gregory Clk house Dell.

Ord^{r}d that the ꝑsons nominated in the sd Message Carry the same to his Ex^{cy} and Councill.

The house Adjournes Till Morrow Morning six of Clock.

Dies Mercurii Iuly 5th 1699.

The house mett againe and were ꝑsent as yesterday

Read over what was done Yesterday and on Monday

The Comittee appoynted to Consider of the Indian Affaire Enter the house and Report as followes.

By the Comittee appoynted to Confferr wth some of his Maj^{ties} Honble Councill of the affaires relateing to the Indians &c Iuly 5th 1699.

The Comittee having taken into their Serious Consideration the affaires relateing to the Indians they think it necessary & Convenient that Maj^{r} Iames Smallwood and M^{r} W^{m} Hutchisson be dispatcht wth all Convenient Speed to goe to the Pawmunkye Indians that are lately come in from the Pisscatway Indians under pretence to Tarry to know wheither they will abide or settle there or are returned back againe to the Pisscatways and if not returned back to see and Endeavour to perswade some of the Great Men of the said Indians to appear before his Ex^cy^ the Gov^r^ and his Maj^ties^ Honble Councill and the honble the Delegates and Deputyes now sitting in Assembly to Know whether they will come in and remain amongst [them.] Original Journal.

And further the said Comittee Doe say that they Cannot proceed any further in the said affaire relateing to the Indians vntill the Returne of the said Messengers. p. 25

Signed ꝑ Ord^r^
C Lomax Clk Com.

By the house of Delegates Iuly 5^th^ 1699.

This house Concurr w^th^ the opinion of the said Comittee & ord^r^d th^t^ Maj^r^ Iames Smalwood and M^r^ W^m^ Hutchinsson be Dispatched if yo^r^ Ex^cy^ and Councill shall approve thereof.

Ord^r^d Maj^r^ Smallwood & M^r^ Hutchisson Carry the said Message who returne and say they dd there Message

The Honble Coll. Charles Hutchins & ffrancis Ienkins Esq^r^ Enterd the house and p^r^sent the following Message

By his Ex^cy^ the Gov^r^ and Covncill in Assembly
Iuly 5^th^ 1699.

This board doe agree w^th^ the opinion of the house that the said Leiv^t^ Coll. Smalwood & M^r^ Hutchinsson be Dispatched away to the Indians

Signed ꝑ Ord^r^
W Bladen Clk Councill.

Eodem Die the house Mett againe and were Called over and adjourned till to Morrow Morning six of Clock.

Die Iovis Iuly 6^th^ 1699.

The house againe Mett and were Called over

Ord^r^d that M^r^ W^m^ Harris M^r^ Io^n^ Leech and M^r^ W^m^ Taylard be appoynted a Comittee to Consider of the Elections & Priviledges of the Members Newly chosen to serve in this house who goe out to Consider thereon.

Proposed that forasmuch as in the acc^tt^ of Maj^r^ W^m^ Whittington when he was Treasurer of the Easterne Shore there was a mistake for that he had paid to the Publick a Certain

Original Journal. sum of money w^ch^ was raised by the Act of Assembly upon ffurrs &c and w^ch^ was not due to the Publick but to the ffree Schoole.

Ord^r^d that the said Acco^tt^ be inspected and if such Mistacke be found that it be rectified and the money applyed to the right vse.

The Comittee for Considering of Elections and Priviledges Enter the house and ꝑ^r^sent as followes

At a Comittee of Elections & Priviledges appoynted by the house of Delegates held the sixth day of Iuly 1699 P^r^sent

M^r^ W^m^ Harris Chairman
M^r^ Iohn Leech
M^r^ William Taylard.

p. 26 The said Comittee having Considered the Election of M^r^ Io^n^ Worthington a Member Elected to serve for Ann Arundell County.

The said Comittee Doe find and report that the said Cap^t^ Io^n^ Worthington has been duely Elected according to Law & Indentures returned accordingly

Will Harris

Ord^r^d that M^r^ Walter Campbell & M^r^ Tho. Hicks goe to his Ex^cy^ and Councill & pray his Ex^cy^ that he will be pleased to send some of his Maj^ties^ Honble Councill to Administer the Oathes to Cap^t^ Io^n^ Worthington A member newly Elected to serve for ann arundell County.

Who returne and say they have deliverd their Message

Ord^r^d that Maj^r^ Edw^d^ Dorsey appear before this house.

Majo^r^ Edw^d^ Dosey Enters.

Proposed to Maj^r^ Edw^d^ Dorsey whither he will Submitt to such fine as this Gen^ll^ Assembly shall impose upon him for his neglect in not Carrying on finishing and Compleating of the Church according to his Contract and agreem^t^ or whither he will stand Tryall at Common Law and have a suit Commenced ag^t^ him for Damages.

Maj^r^ Dorsey answers that he will submitt to w^t^soever fine this Gen^ll^ Assembly shall impose upon him for his not Carrying on finishing and Compleating the said Church Provided that he may be Discharged from prosecuting the said building

The Honble ffrancis Ienkins Esq^r^ M^r^ W^m^ Bladen Clk of his Maj^ties^ Honble Councill who Informe this house that they are sent to administer the Oathes appoynted by Act of parliam^t^

instead of the oathes of allegiance and Supremacye and to see him subscribe the Test & association Original Journal.

Cap^{t} Iohn Worthington having taken the oathes afsd and Subscribed the Test & Association afsd tooke his place in the house.

The Covncill Depart

Proposed what fine shall be imposed vpon Maj^{r} Dorsey

This House Resolve themselfs into a Comittee of the whole house and appoynt Cap^{t} Rich^{d} Hill Cheirman and to Consider of the said fine.

Put to the vote in the said Comittee if the fine shall be Two hundred pounds Sterl: or Two hundred & fifty pounds sterling and Carryed by the Majority of voices for Two hund^{r}d pounds Sterl:

The Comittee brakes up and M^{r} Speaker having Taken the Chaire Cap^{t} Richard Hill reportes from the said Comittee as followes

P. 27 That in Consideration that Maj^{r} Dorsey has done some worke to the Church and has rec^{d} some money yet notwithstanding for his negligence in not Carrying on the said Church work that he refund such money as he had reced: from the Countrey on acco^{tt} of building the s^{d} Church and that he be fined for such his negligence & omission Two hundred pounds sterling and Surrender what worke he has done to the foundation of the sd Church & that the sd Maj^{r} Dorsey be Dissengaged from build^{g} of the said Church & that M^{r} Tho: ffeilder and M^{r} Henry Croffts be alsoe Disengaged from that part of their Agreem^{t} w^{ch} they made wth the said Dorsey soe far as relates to the building of the said Church and it is the further sense of this house that nothing herein Contained shall any wise relate to the building and finishing the ffreeschoole but that the same is wholy left to the Gov^{r} and Visiters of the ffreeschoole.

The Bill for asscertaining the bounds of Land read the first time and ord^{r}d that therebe a made therein for the Ten ꝑ Cent according to my Lord Baltemors Grant for Surplussage.

And that their be a Clause incerted that where any ꝑson has taken up Lands and has not made any Improvem^{ts} on it nor sued out a pattent for the same in twenty one years and that the same Land has been since taken up by a later Survey that the said Later taker vp may hold and Enjoy the same.

The Honble Coll: Henry Iowles Tho: Tench Esq^{r} & M^{r} W^{m} Bladen Enter the house and ꝑ^{r}sent the following Message and his Ex^{cyes} Comission.

Original Journal. By the Covncill in Assembly Iuly 6th 1699.

His Excey has been this Day pleased this day to Lay before us his Majties Royall Comission for the Governmt of this Province & therein observed a Clavse touching the Publick Seale of this province in these words and our will and pleasure is that you shall and may Keep the Publick Seal appoynted or to be appoynted by us for the Province of Maryland as by the Comission herewith sent appears By wch his Masties Royall Comission & authority to his Excy to Keep and use that seal appears to this board past denyall

It is therefore Recomended to the house of Delegates to Compose such a Law to regulate the Chanry proceedings instead of the former as may answer his Majties Comands in p. 28 that perticuler wch is hoped may redoune to the Benefitt and Ease of the people

Signed ꝑ Ordr
W Bladen Clk Councill.

Ordrd that Mr Iames Crawford Mr Benjamen Hall Mr Richard Tilghman Mr Philip hoskins Mr Ion Carvill returne his Excy his Majties Royall Commission.

Who returne and say they Deliverd their Message.

The house adjournes till Two of Clock

Eod Die the house Mett & were againe called over

Read the Conveyance for the Land at the Coole springs & ordrd to be amended.

A Bill for the Transferring unto Majr Wm Whittington the Debts due from the officers of Sumrsett County by vertue of an act for raising a Supplye towards the Defraying of the Publick Charge of this Province read the first time.

Read Coll: Rob Quarrys Petition praying that he may be abated the four pence ꝑ Gallon for one thousand gall of Rum imported by him into this Province & Casually lost by the Tide

Put to the vote if he shall be allowed for six hundrd Gallons or not and Carryed in the affirmative

Resolved that he be allowed the four pence ꝑ Gallon for six hundred Gallens soe by him Lost

By the house of Delegates Iuly 6th 1699:

According to former Message from yor Excy and Covncill this house have called Majr Edwd Dorsey before them and Inquired of him whether he would Submitt to such fine as the Genrall Assembly should impose upon him for his Negligence and Deficiencye in not Carrying on and finishing of the

Church to be built in the Towne and porte of Annapolis according to the Contract and Agreem^{t} made wth him or whither he would stand a Suite of Lawe to be Com̄enced ag^{t} him to recover such damages as the Countrey has Sustained for want of the said Church work being Carryed on and Compleated according to his said Contract whose answer was positive that he would submitt him self to what soever fine this Gen^{ll} Assembly should impose upon him for his not Carrying on Compleating and finishing the s^{d} Church Provided he might be Discharged from further prosecuting the building of the said Church wherevpon this house have resolved that the said Maj^{r} Edward Dorsey shall refund to this province all the money by him received on acco^{tt} of building the said Church and that he in Consideration of his failure in not Complying wth his Contract and agreem^{t} made for the finishing of the said Church be fined the Sume of Two hundred pounds Sterling and Surrender what work is by him Done towards the foundation of the said Church and the sd Maj^{r} Dorsey be Disengaged from the building of the sd Church and that M^{r} Tho: ffielder and M^{r} Henry Croffts be Disengaged from that part of their Agreem^{t} made wth the said Edward Dorsey in relation to the said Church if yo^{r} Ex^{cy} and his Maj^{tys} Honble Covncill shall be pleased to Concurr therewith

Original Journal.

p. 29

Signed ꝑ Ord^{s}
Chr Gregory Cłk house Dell:

Ord^{r}d that Maj^{r} Tho: Smith and M^{r} Thomas Hicks Carry the said Message who returne and say they have Deliverd the same.

The Honble Charles Hutchins and Rob^{t} Smith Esq^{r} Enter the house and p^{r}sent the following message.

By his Ex^{cy} the Gov^{r} and Council in Assembly
Iuly 6th 1699.

Herewith is sent you M^{r} Isaac Millers Lett^{r} about Armes and amunition as Likewise the Acco^{t} of what has Come in sence his Ex^{cys} arrivall here and it is referrd to yo^{r} Consideration to advise and give yo^{r} opinions how the said Armes and Amunition should be Distributed and Disposed of. And whereas there are three hundred and odd Quarter Barrells of Gun Powder come in this yeare w^{ch} is thought too great a Quantity and may be in Danger of being Spoyled and Damnifyed before it be made Use of whither it may not be Convenient that about ffifty barrells of the said powder should be

Original Journal. sold either for ready bills of Exchange or to be returned in Kind.

Signed ꝑ Ord^r
W Bladen Clk Councill.

Referrd Till to morrow morning to a full house.

Resolved that a Conference be had w^th some of his Maj^ties Honl: Councill in relation to regulateing the Chan^ry proceedings & that a message be prepared to send to his Ex^cy in Ord^r thereunto

p. 30 By the house of Delegates Iuly 6^th 1699.

The Message by the Honble Coll. Henry Iowles and Tho: Tench Esq^r was here recd and read and this house Humbly Prayes that yo^r Ex^cy will be pleased to appoynt some of the Gent. of his Maj^tys Honble Councill to Conferr w^th some of the members of this house to Consider whither it be nessary to Compose any Lawe to regulate the Chan^ry proceeding as is recommended in the said Message and this house have appoynted Maj^r Tho: Smith Cap^t Philip Hoskins Coll Iohn Thompson M^r Iames Saunders M^r Walter Smith and M^r W^m Harris to Ioyne in such conferrence and to attend such of his Maj^ties Councill as yo^r Ex^cy shall appoynt at such time and place as they shall Direct

Signed ꝑ Ordr
Chr Gregory Clk house Dell:

Ord^rd that the Gent of the said Comittee carry the said Message who returne and say they have delivered the same.

The honble Coll Henry Iowles and Rob^t Smith Esq^r Enter the house and P^rsent the following Messages

By his Ex^cy the Governor and Covncill in Assembly
Iuly 6^th 1699.

The Honble Coll: Henry Iowles and Rob^t Smith Esq^r are appoynted to Ioyne w^th the members of the House appoynted of a Comittee to Consider whither it be nessary to Compose a Lawe to Regulate the Chan^ry proceeding

Signed ꝑ ord^r
W Bladen Clk Councill.

By his Ex^{cy} the Gov^{r} and Covncill in Assembly Iuly 6th 1699. Original Journal.

The houses message by Maj^{r} Tho: Smith and Maj^{r} Tho: Hicks has been here read and Consid^{r}d and his Ex^{cy} and this board Concurr wth the [houses] Resolves therein only as to the fine It is Referrd to the Consideration of the house whither it shall be Two hundred pounds Sterling or any thing less as they shall think Convenient

Signed ꝑ Ord
W Bladen Cłk Councill.

Referrd till to Morrow Morning to a full house.
The house Adjournes till to morrow morning six of Clock.

Die Veneris Iuly 7th 1699.

The house mett againe and were called over.
Read what was done yesterday.

The message yesterday sen relateing to the Armes & Amunition and referrd till this morning was read. Resolved p. 31 that three Whole Barrells of Gun powder be sent into Every respectiue County to be kept for the Countrys Servis to be Lodged at the discretion of the Coll. or Cheife Military officer in the said County and seven whole Barrells of Gun Powder to be Lodged in the magazine in Annapolis and the Remāing parte to be sent to the sev^{r}all Collonells or Cheife Military officers of the severall Countyes to be disposed of and that the armes be Lodged in the Gen^{ll} Magazine Except the Drums and Trumpetts w^{ch} may be Disposed of to the Severall Countyes where they are wanting for that the Gent: of Dorchester Baltem^{r} Cecill and Saint Maries Covntyes represent that they have none in those Countyes.

The Message yesterday sent by the Honblc Coll. Iowles and Rob^{t} Smith Esq^{rs} was read.

Resolved that the fine of Two hundred pounds Sterl: has been settled by this house and they will not receed from theire former Resolve

The Comittee for the Surveying of Lands Enter the house & Reported as followes

By the Comittee appoynted for Considering the bill asscertaining the bounds of Land

Whereas it was objected by some of the Members of this house that provision might be made to Barr any pretences for the Claiming a pattent or Grant by virtue of any Sertificate formerly Enterd on Record in Some Certeine terme of years and alsoe objected that his L^{d}ps favour in allowing Tenn ꝑ Cent might not by this Law be restrained

Original Journal. Both w^ch^ propositions this Comittee have Duely Considered & as to the first where any Grants were really due to any the Inhabitants of this Province that Experience hath demonstrated that most pattents have been heretofore regularly Issued out of the Land office the officers thereof haveing Considerable fees from thence accrewing and that if any ꝑson have a reall Right he ought not to be Limitted.

And as to the second in folio 2 and folio 11 Sufficient and reasonable provission is made humbly offer to the Consideration of the house

Signed ꝑ Ord^r^
Sam^ll^ Worthington Clk Com.

p. 32 Put to the vote if any such Limitation shall be made or not and Carryed in the negatiue.

Read the Conveyance for the Land at the Coole springs.

Referrd to the Comittee for Surveying of Land to Consider thereof

The Honble Thomas Tasker Esq^r^ Enters the house and informes M^r^ Speaker that his Ex^cy^ Desires him to send some of the members of this house to the Councill board to see the Navall officers swear to their Acc^tts^

Ord^r^d M^r^ Sam^ll^ Young & M^r^ Iacob Loockerman goe to the Councill Board and see the same ꝑformed

Who returne and say that they Did see Maj^r^ W^m^ Dent M^r^ W^m^ Bladen George Plater and George Muschamp Esq^rs^ and M^r^ Thomas Collier make oathe to their Severall and respective Acc^ts^

The house Adjournes Till Two of the Clock

Eodem Die the house mett againe & were called over

The Conveyance for Conveying the Lands at the Coole springs Read and approved of and ord^r^d to be sent to his Ex^cy^ and Councill

By the house of Delegates Iuly 7^th^ 1699.

Whereas by Virtue of a Certaine act of Assembly of this province Impowering Severall trustees to purches fifty acres of Land in Saint Maryes County adjoycent to and in w^ch^ the healing fountains of Water called the Coole Springs should be included there has been by the said Trustees by the said Act Impowred fifty Acres of Land adjacent too and in w^ch^ the said Coole Springs are Included purchased of M^r^ Iohn Dent of Saint Marys County and for fear of Death or other Casualty this house has taken Care to gett a firme Conveyance drawne for the said Land and doe purpose to send one of the members of this house to have the said ffifty acres of Land Conveyd by the said Iohn Dent and his wife w^{ch} Conveyance wee have herewith sent for yo^{r} Ex^{cys} and the Covncill ꝑusall desireing it may be referrd to his Maj^{tys} Att^{ry} Gen^{ll} for his approbation thereof Original Journal.

And further this house have sent therewith an Ord^{r} on M^{r} Rob^{t} Mason Publicke Treasurer on the western shore for the p. 33 payment of the money In the said Indenture Specifyed according to the Contract made wth the said Trustees w^{ch} ord^{r} if yo^{r} Ex^{cy} & his Maj^{tys} Honble Covncill will be pleassed to Concurr wth and signe the same this house will doe the Like and Dispatch the said Mesenger that the same may be Compleated and that this house may further Consider how to Dispose of the remaining part of the money assigned for th^{t} Use.

Signed ꝑ Ord^{r}
Chr Gregory Cłk house Dell:

Ord^{r}d that M^{r} Walter Campbell & M^{r} Io^{n} Lowe Carry the said message who returne and say they have Dd the same.

The Committee appoynted to Concurr wth his Maj^{tys} Honble Covncill Enter the house and p^{r}sent there report w^{ch} being read was read to a full house to Morrow morning.

By the house of Delegates Iuly 7th 1699.

The Message by the Honble Charles Hutchins & Rob^{t} Smith Esq^{r} has been here rec^{d} and read and this house has ꝑused M^{r} Isaac Millers Lett^{r}s and acco^{tts} and are of opinion that the armes w^{ch} are Come in since his Ex^{cys} arivall be Lodged in the Gen^{ll} Magazine at the Porte of Annapolis Except the Drumes and Trumpetts w^{ch} it will be necessary to dispose of to the Severall Countyes where the same are wanting for that the Delegates of Cecill Baltemore Dorchester and S^{t} Maryes Countyes have represented to this house that these Countyes are not supplyed wth nor have they any such warlike Instruments amongst them. And as for the three hundred and odd Quarter barrells of Gun Powder this house think it adviseable for preventing of the same being spoyled or Damnifyed that Twelve Quarter Barrells of Gun powder be sent to Each respectiue Covnty to be Lodged for the Countryes Service and that the Same be Distributed in the said Countys according to the Discression of the Coll: or other principle Millitary officer of the said County and that seven whole Barrells of the s^{d} Gun powder be Lodged in the afsd Gen^{ll} Magazine to be ready on any Emergent occassion the remaining part to be Equally distributed and Sent to the Severall Coll or other principle Military p. 34

Original Journal.

officers of the said Countyes to be by them Disposed of and they to be accountable to the Gen^{ll} assembly of this Prouince for the proceeds thereof or otherwise dispose of as yo^{r} Ex^{cy} and Councill shall think Convenient the Produce thereof being for the Publick use

Signed ꝑ Ord^{r}
Chr Gregory Clk house of Dell:

Ord^{r}d that Doct^{r} Iacob Loockerman & M^{r} Io^{n} Carvill Carry the said Message

Who Returne and say they have Deliverd the same Read the bill Impowering Benjamen Williams to sell the Lands of Ioseph Williams deceased for the payment of the said Ioseph Williams his Debts the first time and ord^{r}d to be read againe to-Morrow Morning.

Read Maj^{r} Dorseys Pet and referrd till to Morrow Morning toe full house.

The house adjournes till to Morrow six of Clock

Die Saturni Iuly 8th 1699

The house mett againe and was called over Read over what was done yesterday

The bill ascertaining the bounds of Lands read the second time

Put to the vote if the same shall pass or not & Carryed in the affirmatiue

Ord^{r}d that Cap^{t} Richard Hill M W^{m} Taylard M^{r} Iacob Moreland M^{r} Michaell Miller M^{r} Iohn Leech Cap^{t} Philip Hoskins M^{r} Tho: Staley M^{r} Sam^{ll} Lane M^{r} Rich^{d} Tilghman M^{r} Tho: Ennalls M^{r} Io^{n} Carvill & Coll Ninian Beale Carry the said Bill to his Ex^{cy} the Gov^{r} & Covncill

Who returne and say they have Delverd their Message

A Bill for Transfering the Debts due from the publick officers in Sum^{r}set County unto Maj^{r} W^{m} Whittington read the second time

A Bill Impowering Benj^{a} Williams to Sell a percell of Land called Tibaulds lying in Cecill County left by Ioseph Williams his Bro^{r} for the payment of his Debts read the second time.

A Bill for saving and Excepting of bills & bonds due to the Lord Baltemore read the second time.

Ord^{r}d that M^{r} Walter Campbell M^{r} Thomas Ennalls M^{r} Walter Smith and M^{r} Symon Wilmore Carry the sd bills to his Ex^{cy} and Council

Read the Comittees Report for Considering to Compose a Law to regulate the Chan^{ry} proceedings

Iournall of the Comittee appoynted to Some of his Maj^{tyes} Original
Honble Councill whither it is nessary to Compose any Law Journal.
to regulate the Chan^{ry} proceeds held at the port of Annapolis p. 35
the seventh day of Iuly Anno Dom: 1699.

P^{r}sent

Coll. Henry Iowles Esq^{r} }
Rob^{t} Smith Esq^{r} } of the Honble Councill.

Maj^{r} Tho Smith } M^{r} Iames Saunders }
Cap^{t} Philip Hoskins } M^{r} Walter Smith } of the house of
Coll. Io^{n} Thompson } M^{r} W^{m} Harris } Delegates

The Committee being mett they made Choyce of Maj^{r} Tho: Smith for Chaireman.

The Committee having Considered and Maturley deliberated the ꝑmisses they have thought it absolutely necessary to Compose a Law to regulate the high Co^{r}t of Chan^{ry} for these reasons.

1: That his Maj^{tie} by his Royall Commission to his Ex^{cy} having Enjoyned him to be keeper of the Seal of this Province is thereby Chancellor and that by vertue of a former Law is a ꝑticular & Distinct Court and that the Gov^{r} and Covncill for hereing of Writts of Erro^{r} & Appeals from the Provinciall Co^{r}t is another Distinct Court soe that the Gov^{r} and Covncill will be one and the same Iudges in both Courts

That by the former Law if any ꝑson upon the Chancellors dcree or Determination of any matters thought himself agreved he shall pray to the Gov^{r} and Councill for Receiving and Rehearing the Same soe that they are still the same Iudges.

To prevent w^{ch} inconvenience we hombly offer these our opinions to this Honble house that they will make some Law or prescribe other means as they shall think most necessary

Signed ꝑ Ord^{r}
C Lomax Clk Com.

By the house of Delegates Iuly 8th 1699

May it please yo^{r} Ex^{cy} Wee haue received the report of the Comittee appoynted to Consider of the Composeing of a Law for regulateing Chan^{ry} proceedings and this house Concurr in opinion that all the Inconvenienceys mentioned in the said Report will fall upon us by the same individuall ꝑsons p. 36
being Iudges in Chan^{ry} & appeals and in Reveiwes wee are not wiiling to offer yo^{r} Ex^{cy} any Temporary Act being Contrary to his Maj^{tyes} Inclinations & Instructions nor are wee

Original Journal. willing to be bound by a perpetuall Act to Inconvenienceys which we Cannot Discerne but make our adresses to yo^{r} Ex^{cy} that you will soe dispence yo^{r} Comissions wth the advice of his Maj^{tyes} Honble Councill that the three Differing authorityes mentioned in the said reporte may not interfeere one wth another nor that the same Individuall ꝑsons may not be judges in the same Causes

Signed ꝑ Ord^{r}
Chr Gregory Clk house of Dell.

Ord^{r}d that M^{r} Iames Saunders and M^{r} Richard Tilghman Carry the said Message to his Ex^{cy} the Gov^{r} and Councill who returne and say they have Delivered the Same

The house Adjournes till Two of the Clock

Eodem Die the house Mett again and were called over

The Honble Coll. Io^{n} Addison and Tho: Brooke Esq^{r} Enter the house and p^{r}sent the following Messages.

By his Ex^{cy} the Gov^{r} & Councill in Assemb:
July 7th 1699.

The Message by D^{r} Iacob Loockerman & M^{r} Carvill being read and Considered his Ex^{cy} and this board doe Concurr wth the house in their Opinion as to the Disposall of the said Armes and amunition and that Cecill Baltemore Dorchestor and S^{t} Maries as well as the other Countyes wanting Drums and Trumpetts may be firnished therewith as far as they will goe there not being Enough to furnish all the Countyes his Ex^{cy} will Take Care to send for more.

As to the Gen^{ll} Magazine this board doe say that the armes may be well and Conveniantly Lodged in the State house but as to a place appoynted for a Gen^{ll} Magazine for amunition of Powder &c this Board doe not know of any however his Ex^{cy} will take Care to have the same securely Lodged the house is desired to sett what vallue they Expect the Powder should be sold for soe that the respectiue officers who are to Dispose thereof may better know what will answer the Countreys Expectation therein

Lastly it is thought adviseable that the armes and amunition to be Distributed to the Severall Countyes be now sent by the Delegates,

Signed ꝑ Ord^{r}
W Bladen Clk Councill.

By the Councill in Assembly July 8th 1699. Original Journal. p. 37

The bill asscertaining the bounds of Land has been here read and Considered wch appears to be the Effect of a noble Generous and Discerning mind and shews yor Resolution and strong abilityes to do the Country Good and it is firmely belived that a fairer step to the future Peace and Tranquility of this Province Cannot well be made then what the intent of this Bill propounds.

But for as much as the Subject thereof is of Great weight and moment and should be the work of time and Consideration It is theirfore recomended to yor house that the said bill may rest in Custody of the Clk of yor house and the Coppyes of it be sent to the Justices of Each County Court for their thoughts their on by wch means as well the Delegates of yor house the members of his Majtyes Honble Counciall may Deliberate & Consult thereof & the Genll mind of the Country be found upon soe Great a Charge as this will make in ordr to a full Consummation of this worke at the next Sessions of Assembly nevertheless this board is ready to joyne in Conferrence as desired upon that Subject

Signed ꝑ Ordr
W Bladen Clk Councill.

By his Excy the Govr in Councill in Assemb:
July 8th 1699:

Gent.

Your Message by Mr Saunders and Mr Tilghman I haue Comunicated to his Majties Honble Councill who upon Consideration of the Subject advise

1: That as his Majties pleasure is that I shall keep soe likwise that I shall use the Publick Seale and that necessaryly implyes my hearing and Iudging of Chanry Causes wth such assistance as shall be required.

2: That for that purpose Two of his Majtyes Honble Councill shall be Ioyned wth me for my assistance therein.

3: That if any ꝑson rest not Satisfied wth iny Decree they shall have liberty to Exhibitt their Bill of Reveiwe in the determining whereof I shall have the Assistance of a full Quorum of his Majtyes Honble Councill not less than five in number.

4: That if Either partyes are dissatisfyed wth such finall decree they may appeale to his Majtye in Covncill according to his Royall instructions in that poynt if the matter in Differance amount to the sume Limitted

5: That if it be Doubted any inconveniencey may arise by this method the Law may for once by his Matys Royall Instruc- p. 38

Original Journal. tions be made Temporary till Time and Experiance in the Practice has Granted approbation or not

Signed ꝑ Ordr
W Bladen Clk Councill.

By the House of Delegates Iuly 8th 1699:

The houses Message by the Honble Coll: Ion Addisson & Tho: Brookes Esqr was here recd and read and this house humbly represent as well the Last Sessions of Assembly as this ꝑrsent Sessions the Law of asscertaining the bounds of Land was Maturely and deliberately advised on by a Comittee Especially Selected conssisting of one of the most knowing in Land affaires and Chosen out of Delegates and representative of Every respectiue Covnty and for the referring of a matter of soe Great importance to the Iustices of the resspectiue Counties and to such a popular approbation it is feared that the True intent and meaning thereof will be strained according to the Private Interest of Severall Private ꝑsons contrary to the true intent and meaning of the said bill wherefore this house humbly prays that your Excy would be pleased to appoynt some of his Majtys Honble Councill to Ioyne in Conferrance wth some of the members of this house further to Consult thereof

Signed ꝑ Ordr
Chr. Gregory Clk house of Dell.

Ordrd that Mr Symon Wilmore Mr Thomas Ennalls Mr Iohn Lowe Mr Benja Hall Mr Ion Carvile Majr Tho: Smith Mr Michaell Miller Mr Richard Tilghman Carry the said Message and be appoynted a Comittee to Ioyne in such Conferrence who returne and say they have dd their message.

Resolved that the Gun Powder to be sold and disposed of by the Colls or Cheife Milatary officers be sold at ffifty five shillings ꝑ Barrell

The Honble Coll Ion Addison Mr Tho: Brooks Enter the house & prsent the following Message.

By his Excy the Govr and Councill in Assembly
Iuly 8th 1699:

In answer to the housses request by Mr Wilmore Mr Hall and others the Honble Coll: Iowles Coll Iohn Addisson Esqr Brooke Esqr Smith Majr Hammond and Coll: Ienkens are appoynted to Ioyne in Conferrence wth the members to be p. 39

appoynted by the house on Munday morning soe soone as they shall have Notice thereof about the bill for asscertaining the bounds of Land Original Journal.

Signed ꝑ Ord^{r}
W Bladen Clk Councill

By the house of Delegates Iuly 8th 1699:

The Message by the Honble Thomas Tench Esq^{r} and Coll: Io^{n} Addisson was here received and read and doe Concurr wth yo^{r} Ex^{cy} and Councill for the Lodging of the said armes and amunition & returne yo^{r} Ex^{cy} the thanks of this house for yo^{r} Ex^{cy} Care in Secureing the said seven Barrells of Powder and for the Remaining this house Humbly Conceive that it may be sold for ffifty five shillings ꝑ Barrell and that the Cheife Military officers who shall have the disposall thereof to be accountable for the Same at such Prices Except yo^{r} Ex^{cy} will be pleased to dispose thereof

Signed ꝑ Ord^{r}
Chr Gregory Clk house Dell.

Ord^{r}d that Coll Iohn Thompson and Maj^{r} Tho: Smith Carry the s^{d} Message who returne and say they have Deliverd the same.

Ord^{r}d that M^{r} Sam^{ll} Young and M^{r} Iacob Loockerman goe together wth Coll Iohn Thompson and M^{r} Iohn Bozman to his Ex^{cy} and Councl and see the said Thomson and Bozman Swear to their acco^{tts} of Navall officers.

Ord^{r}d that M^{r} Iacob Moreland Carry the Conveyance for the Lands at the Coole Springs to the house of M^{r} Iohn Dent & Sumon two of the Nearest Iustices of S^{t} Maries to take the acknowledgm^{t} of the said Land from the said Iohn Dent and his wife and that he returne wth all Expedition.

The Iurnall of the Comittee of Agreivances was read as followes

It is offerd as an agreivance ag^{t} the Sherif of Cecill County that the said Sheriffe made a returne in the yeare 1697 w^{ch} was short of the List of [Taxables] given in by the Constables List twenty three Taxables allso in the year 1698 was returned Shorte as ꝑ the Constables List twenty Two Taxables and in the Same year did add to the Leavey ¾ of a pound ꝑ poll

In the year 1696 was allowed 2160^{l} of Tobacco by the publick to the County towards boat hyer for bringing the Delegates of that County to the Assembly whereof there was never any more paid that year then 720 p. 40

Allsoe there was allowed to the County in the year 1697 by

Original Journal. the Publick 1440 pounds of Tobacco whereof there was noe Creditt Given to the County th^t year by the Sheriff

It is offered as a Great agrevance to Severall Commanders and Traders to this Province that Notwithstanding their Entering at Petuxent or the port of Annapolis many times their Shipps going afterward to the Eastern Shoore to gett their Loding they are forced there to Enter there Vessells againe and be at a double charge and Trouble in Entring and Clearing at Two places wherefore it is desired that their Entring at one place may be Sufficient for them to Trade and to gett their Loading in any parte of this Province and allsoe theire Clearing at one place may be Sufficient for them to Depart out of the same and their may be Settlement of these officers fees.

It is offered as a great agrevance to the poor inhabitants of this province that noe Writts can be taken out of any of the Courts of this Province w^th^out any Att^rys Titeling to the Clk therefore pray that the Same may be remedyed and redressed.

It is offered as a great agreivance to severall ꝑsons M^r^ch^ts Inhabitants and Traders into and out of this province that for want of some Law or Act of Assembly to pass reall Estates of p^r^sons dying Intestate within this province into Chattles such ꝑsons dying Indebted more Largely then may Complye w^th their Creditors w^th^out w^ch it has manifestly appeared that Creditors have many times been defrauded of their Iust Right notwithstanding there has been Considerable reall Estates Left w^ch revert to his L^d^sp as Escheate or to the Heirs of such ꝑsons dying intestate against whome such Creditors have noe remedye.

It is offered as a Gen^ll agreivence to the good people of this Province that the Sheriffs doe many times Charge unreasonable ffees for the Service of Citation therefore pray the same may be remidyed & redressed for the future

Ord^r^d th^t the Serjeant attendant bring to the Barr Coll William Peirce who Enters

p. 41 Who being Examined in Relation to the matters of fact alleadged ag^t him by the Comitte of Agreivences acknowledged the fact

Resolved that the said Comittee of Agreivences call before them the s^d W^m Peirce and State the accompt and find what he has rece^d on the Acc^t of the Publick and that he refund the Same & be find for such his Misfeazance to the Use of the Publick one Thousand pds of Tob:

The house adjourne till Monday morning Seven of Clock.

Dies Lune Iuly 10^th 1699.

The house mett againe P^r^sent as on Saturday

Read over what was doe on Saturday Original Journal.

Read Mrs Vanswerengins Petton praying an Act to pass to sell the Lands of Mr Samll Withers and Mr Iohn LLewellin decd: to pay the Debts of the said Withers and LLewellin

Referrd to a further Consideration

A Bill for transferring the Debts in Sumrsett County due from the Severall officers by vertue of the Act of Assembly imposeing a Mulct upon officers read the third time.

A bill for Impowering Benja Williams and his heires to Sell the Lands of Ioseph Williams his Brother Decesed called Tibaulds for the Payment of the Debts of the said Ioseph Williams read the third Time

Proposed that an Address be Drawne up to Send to his Majtye to pray his Majtyes Clemencey In releiving of the Severall Iudgemts given in this Province agt Severall the Inhabitants of this Province vpon Navigation Bonds

Resolved tht an address be Drawne & tht the Comittee of Lawes prepare such an Address.

By the house of Delegates Iuly 10th 1699.

The house have appoynted Mr Symon Wilmore Mr Tho: Ennalls Mr Iohn Lowe Mr Benja Hall Mr Ion Carvill Majr Thos Smith Mr Micaell Miller Mr Richard Tilghman & Coll Edwd Loyd to joyne wth the Gent. of his Mastys Honble Covncill in the Conferrence Concerning the bounds of Lands and tht they are now ready to Ioyne in the sd Conferrence

Chr Gregory Clk house Dell.

Ordrd that the Gent herein Nominated Carry the said Message who returne and say they have deliverd the Same p. 42

Ordrd that Mr Wm Taylard be joyned & added to the Comittee of Lawes

The honble ffrancis Ienkins Enters the house & informes them as follows

Mr Speaker his Excy desires you To send two of the Members of this house to the Covncill Board to see Mr Robt Mason Treasurer of the Westerne Shoare make oath to his Account

Ordrd that Coll Ion Thompson & Majr Walter Smith goe & see the said Mr Mason prove his Accot who returne & say the have seen him make oath to the Same

By the house of Delegates Iuly 10th 1699.

Vpon the reading of the report of the Comittee of agreivences in relation to Coll: Wm Pearce high Sheriff of Cecill

Original Journal. County of whome they haue Complained for returning the List of Taxab: in Two Severall years Short of the Number to him returned by the Cunstables forty five Taxables & that in the year of our Lord 1698 he did add to the publick Levey in Cecill County ¾ of a p^d^ of Tobacco ꝑ poll this house have Called the sd W^m^ Pearce before them & Examined him Concering the Same who acknowledgeing the fact this house has resolved that the sd Comittee of Agreiveances inquire how much Tobacco the sd W^m^ Peirce has received from the Covntry by the means afsd and that the sd W^m^ Peirce shall refund to the Publick soe much Tobacco as shall be found by him rece^d^ soe as afsd and that the sd W^m^ Peirce be fined for such his Misfeazance 1000 pounds of Tobacco towards the Defraying the Publick Charge of this Province if yo^r^ Ex^cye^ & Councill shall be pleased to Concurr therewith

Signed ꝑ Ord^r^
Chr Gregory Clk house Dell:

Ord^r^d th^t^ M^r^ George Ashman & M^r^ Io^n^ Bozman Carry the said message who returne & say they have dd the Same

Vpon the reading of the Message by Coll. Io^n^ Addison & Thos Brooke Esq^r^ in relation to the Publick Seale & Chan^ry^ proceedings.

Resolved that this house will acquiesse theirwith

p. 43 The honble Coll Iohn Courts Enters the house & P^r^sents the following Message (viz)

By his Ex^cy^ the Gov^r^ and Covncill in Assembly
Iuly 10^th^ 1699:

The houses Representation relateing to Coll W^m^ Peires abuseing the County sent by M^r^ Ashman & M^r^ Bozman has been here read & Considered and as to the houses resolves therein & the fine proposed to be imposed vpon the said Peirce this Board doe Concurr and assent thereto.

Signed ꝑ Ord^r^
W Bladen Clk Councill.

Read M^rs^ Mary ffielders Petition praying some releife from this house for the Enabling her to Transporte herself and Children back to England.

Resolved that the sd petitioner be allowed & paid the Sume of Twenty pounds & Ord^r^ th^t^ Cap^t^ Richd. Hill pay unto the said M^rs^ Mary ffielder the Sume of Twenty pounds Sterling & that the said Sume of Twenty pounds Sterl: be

Original Journal.

repaid to the said Capt Richd Hill by the Publick of this Province.

Majr Iames Smalwood & Mr Wm Hutchinsson the Gent: who were sent to inquire Concering the Indians appear in the house & report that the Indians were not gon Back to the Emporor but that they are Six of them Comeing vp to Annapolis & will Suddenly be here & prayed that some Care might be Taken for their Entertainment.

Ordrd that Majr Iames Smallwood take Care for their Entertainmt and the Charge to be paid by the publick of this province.

Ordrd that Majr Iames Smallwood & Mr Wm Hutchinson acquaint his Excy and Councill of their returne and report &c who returne & say they have dd their Message.

The house adjournes till two of Clock

Eodem Die the house Mett againe Prsent as in the Morning. The Gent appoynted on the Conferrence concerning the Bill for asscertaining of the bounds of Lands Enter the house and report as followes.

Vpon a Conferrence appoynted of Some of the Members of this house and allsoe of his Majtyes honble Councill to Consider of a certaine Bill relateing to the Bounds of Land.

Doe hereby Certifye that the said respective Members have Ioyntly considerd the same and Doe Approve thereof.

p. 44

Edward Loyd
Iohn Lowe
Thomas Ennalls
Thomas Smith

Symon Wilmore
Michaell Miller
Iohn Carvill
Benja Hall
Richd Tilghman

Iohn Addisson
Tho: Brooke
Iames ffrisby
Robt Smith
Iohn Hammond
ffrancis Ienkins

Resolved that the Bill and the Report of the Conferrence be Sent to his Excye and Covncill.

Ordrd that Capt Tho. Waughop Majr Iohn Lowe Mr Michaell Miller Mr Ion Worthington Mr Walter Smith Mr Benja Hall Mr Tho: Stegley Mr Samll Collins Coll: Edward Loyd Mr Thomas Ennalls Mr Wm Harris and Coll Ninian Beale Carry the said Bill to his Excy and Covncill who returne and say they have Deliverd theire Message.

Ordrd that Mr Symon Wilmore be added to the Comittee of Lawes

The honble Coll: Iohn Addisson Thos Brook Robt Smith Iohn Hammond Iames ffrisby and ffrancis Ienkins Esqrs enter the house and bring in the Bill for Asscertaining the bounds of Lands

Original Journal. Ord^r^d that the Same be read againe to Morrow Morning

M^r^ Robert Mason P^r^sents an Acc^tt^ due from Severall Publick Officers on the Westerne Shore Ariseing on the act for raising a Suplye towards the Defraying of the Publick Charge and offired to buy the Same at Six Shillings ꝑ Cent.

Put to the Vote if the said Rob^t^ Mason should have the Same for six Shill ꝑ Cent or not.

And Caryed in the affirmative

Ord^r^d that the Comittee of Acc^tts^ Settle & adjust the Said Acc^tts^ w^th^ M^r^ Mason & for what sume of Tobbacco the Same shall Amount to that they take his Penall Bond for the Sume at the Rate of Six Shillings ꝑ C^tt^

The honble Coll: Io^n^ Addisson Enters the house & P^r^sents the following Message.

By his Ex^cy^ the Gov^r^ and Councill in Assembly
Iuly 10^th^ 1699:

Severall Indians w^ch^ Lately resided and Conserted w^th^ the Emp^r^ror of Pescatway & his Indians being come to Towne notice is hereby given you thereof and you are desired to send Liv^t^ Coll: Smallwood & such other of your members as you think fitt to hear the sd Indians discoursed & Treated w^th^ to Morrow Morning

Signed ꝑ Ord^r^
W Bladen Clk Councill:

p. 45 The Comittee of Greivences Ord^r^d to Inquire and ffind out w^t^ Coll Peirce had rece^d^ on Acc^tt^ of the Publick more then what he had Given Creditt for Enter the house and report as followes.

Wee have Called Coll. W^m^ Peirce before us and doe find that he has rece^d^ the Sume of Two Thousand five hundred fifty six pounds of Tobacco the w^ch^ he is to be accomptable for to the Publick as all soe his fine according to the afsd Ord^r^ of the house & allsoe promised to refund the ¾ of a pound of Tobacco ꝑ pole w^ch^ he unjustly Levyed to the County.

The house Adjournes till to Morrow six of Clock

Die Martis Iuly 11^th^ 1699:

The house mett againe & were Called over.

Read over what was done Yesterday

A Bill for asscertaining the bounds of Lands read the third time and passed for Engrossing and ord^r^d that Coll Tho. Ennalls see the same Engrossed.

Ord^r^d that Leiv^t^ Coll: Iames Smallwood M^r^ W^m^ Hutchinsson M^r^ Sam^ll^ Young M^r^ Elisha Hall Coll: Iohn Thompson and M^r^ W^m^ Harris goe to the Covncill Board & see and hear the Indians Examined according to his Ex^cys^ and the Councills Message. Original Journal.

By the house of Delegates Iuly 11th 1699:

Vpon the reading of the Petition of M^rs^ Mary ffielder praying some releife from this house towards the Defraying the Charge of Transporting hereself and family back to England It is resolved by this house that the said Mary fielder should be allowed out of the publick Charge of this province twenty pounds Sterl: if yo^r^ Ex^cy^ and Councill shall be pleased to Concurr therewith

Signed ꝑ Ord^r^
Chr Gregory Clk house Dell:

By the house of Delegates Iuly 11th 1699:

Whereas there is Due in Arears from the Severall officers in Charles St Maryes & Calvert Countyes a Considrable sum of tobacco due upon the acc of Assembly for raising a Supplye towards the Defraying of the Publick Charge of this province It is resolved that the said Debts shall be disposed off good & Bad Solvent & Insolvent one w^th^ another for six shill ꝑ Cent if yo^r^ Ex^cy^ and Covncill shall be pleased to Concurr theirwith

Signed ꝑ Ord^r^
Chr Gregory Clk house Dell.

Ord^r^d that M^r^ Benj^a^ Hall & Coll. Ninian Beale Carry the sd Messages to his Ex^cy^ and Covncill who returne and say they have delivered the Same. p. 46

Proposed by M^r^ Iohn Hall of Baltemore County that for the Debts due from the Publick officers of Baltemore County he will Give thirty pounds Sterling.

Put to the Vote if the sd Io^n^ Hall shall have the sd Debts for thirty pounds Sterling or not & Carryed in the affirmative.

Ord^r^d that Maj^r^ Thomas Smith Settle the said acc^tt^ & take the said Iohn Halls bond for the said Sum

Maj^r^ Smalwood & M^r^ W^m^ Hutchinsson & the other Members appoynted for the Examination of the Indians Enter the house.

Maj^r^ Tho: Smith brings into the house M^r^ Rob^t^ Masons and M^r^ Iohn Lowes Penall bond for the payment of the money by him to be paid for the purches of the Tobacco due from the

Original Journal. Severall officers in Charles S^t^ Marys & Calvert Countyes arising by vertue of the Act of Assembly for raising a Supplye towards the Defraying the Publick Charge

Ord^r^d that the same be Lodged in the hands of the Speaker of this house.

Ord^r^d that the serjent attendant Summons M^r^ Richard Beard high Sherif of Ann Arundell County to appear here at two of the Clock to render an acc^tt^ to M^r^ Rob^t^ Mason Publick Treasurer on the Westerne Shore for the Tobacco Ariseing on the Act for raiseing a Supply for Defraying the Publick Charge of this province

The honble Iohn Hammond & Thos: Tasker Enter the house and P^r^sent

The Messages sent by M^r^ Benj^a^ Hall & Coll Ninian Beale on behalf of M^rs^ ffielder being allowed Twenty pounds Sterl: & on the acc^tt^ of M^r^ Masons buying the Debts due from the officers in Charles S^t^ Maryes Calvert Countys ariseing by the Act Imposeing a mulct on the said officers w^ch^ said Messages were Severally Endorsed (viz)

Iuly 11^th^ 1699.

Assented to by His Ex^cy^ the Gov^r^ and Councill in Assembly They allsoe psent the following Message (viz)

W Bladen Clk Councill

By his Ex^cy^ the Gov^r^ & Councill in assembly
Iuly 11^th^ 1699:

p. 47 Vpon the Examination of the Indians this day before the board wee Cannot well Learne the Certainty of what may be the Intentions and Designes of the Piscatway & accockich Indians whither they will Come in or not & soe Consequently ꝑsist in their disturbing the Quiet of this Province the security whereof well desserves the Consideration or otherwise that you would appoynt some of the members of yo^r^ house nearest & adjacent to this place to Ioyne w^th^ and assist his Ex^cy^ and this Board in adviseing and Concerting such measures as will Suppress any violence w^ch^ they may hereafter offer to this Province at such time when it will not be Convenient or possible for yo^r^ house soe suddenly to meett as such Emergency may require.

Signed ꝑ ord^r^
W Bladen Clk Councill.

Which being read was referrd till to Morrow Morning Original Journal.

Majr Thomas Smith brings into the house Mr Ion Halls bond for thirty pds Sterl: Ordrd to be lodged in the hands of Mr Robt Mason Treasurer on the Western Shore.

The house adjournes till Two of Clock

Eod Die the house mett and were Called over Mr Richard Beard High Sherif of Ann Arundell County Enters the house and ordrd that he goe to Mr Robt Mason and Acctt wth him as he is Treasurer of the Western Shore for all such Tobaccoes as has arisen from the Severall officers of Ann Arundell Covnty upon the Act of Assemb. Entituled an Act for Defraying the Publick Charge of this Province.

Read the Petition of the Inhabitants of Talbott County Complining tht the Sherif of the said County hath made an undue Election.

Resolved that the same be referrd to the Comittee of Elections and Priviledges

Ordrd that Mr Iohn Whittington Mr Elisha hall Mr Walter Smith and Mr Iames Saunders be added to the Comittee for Elections and Priviledges and ordrd that the said Comittee goe out to Inquire thereof

The Honble Coll Iohn Addison and Thomas Brooke Esqr & Mr Wm Bladen Enter the house and report (viz).

Mr Speaker his Excy has sent you some Indentures returne for some members newly Chosen to Serve in this house & has Commanded us to give them the Oathes.

Who are desired to withdraw untill the Comittee of Elections and Priviledges have made report whither they are Duely Elected. p. 48

Mr Walter Smith & Mr Iohn Leech Enter the house & bring into this house a writt of Election directed to the Sherif of Talbot Covnty and an Indenture returned by the ffreeholders of Prince Georges Covnty wch they ꝑsume was by A mistake

Ordrd that a Message be sent to his Excy and Councill to Inquire of the said Mistake.

By the house of Delegates Iuly 11th 1699:

It being represented to this house by the Comittee appoynted to Consider of Elections and Priviledges that they have reced from yor Excy and Councill a writt Directed to the Sherife of Talbot Covnty and with the Same writt an Indenture returned by the Sherif of Prince Georges County this house humbley Conceives it a Mistake and if that the Indenture from the Sherif of Talbott County Lyes before yor Excy

Original Journal. and Councill that you will be pleased to send it for the ꝑusall of the said Comittee

Signed ꝑ Ord^{r}
Chr Gregory Clk house Dell:

Ord^{r}d that M^{r} Iohn Lowe and M^{r} W^{m} Hutchisson Carry the said Message who returne and bring back the said Indenture from Talbott County and Ord^{r}d that they Deliver it to the s^{d} Comittee of Election & Priviledges.

M^{r} Mason Enters the house and brings in the Acc^{tt} of M^{r} Richd: Beard for the Mulct on the Severall officers of Ann Arundell County

Ord^{r}d that he State an Account wth this house for all Tob^{as} due on the Westerne Shore on act^{t} of the Act for raiseing a Supplye towards the Defraying the Publick Charge of this Province since the time he has been Treasurer

The Comittee of Elections and Priviledges Enters the house & P^{r}sent their report viz

Att a Comittee for Election and Priviledges appoynted by the house of Delegates held in the State house the 11th day of Iuly 1699.

Were P^{r}sent

M^{r} W^{m} Harris Chaireman
M^{r} Iohn Leech
M^{r} W^{m} Taylard
M^{r} Io^{n} Whittington
M^{r} Elisha Hall
M^{r} Walter Smith
M^{r} Iames Saunders
Iacob Loockerman Iun^{r} Clk:

p. 49 The Comittee having Examined the Election of the Delegate for Prince Georges County and they Doe find and report th^{t} M^{r} Tho: Greenfeild hath been Duely Elected to serve for the said Covnty according to act of Assembly in that Case made and provided.

The Indentures of Election of M^{r} Nicholas Lowe to Serve as a delegate for Talbot County was brought into this Comittee.

And Likewise was produced an adress to the house of Delegates being a complaint of Severall of the Inhabitants ffreeholders of the sd County of the undue Election of the said Lowe theirvpon Ord^{r} that those ffreeholders be Called into this Comittee to make good their Complaint and made their appearance Viz Philip Conners and E. Price Iohn Emmersson Iohn Owton Rob^{t} Blunt Lewis Meredith Isaac Winchester Iohn Emmersson ffrancis Stevens Iames Evens who on behalfe of them Selfs and others Inhabitants of Talbott County doe averr and Declare that Most part of the said

County had noe notice Given them of any Election & that their was noe Court called ꝑsuant to the said Writt to give such notice but on that day the Court satt to give notice the Sherif Published his Writt & proceeded to the Election of the said Lowe w^ch^ appears to this Comittee to be an Illegall Election & not according to Act of Assembly in that case made and provided Original Journal.

And likwise this Comittee reports that the returne of the Sherif thereupon is not according to Law for that the Sherif & Electors have not Signed the Indentures as the Law requires.

All w^ch^ this Comittee referrs to the further Consideratĩon of the house of Delegates.

Iacob Loockerman Clk.

Ord^r^d that the Same be referred Till to Morrow Morning

Ord^r^d that Maj^r^ Thos Smith Maj^r^ Walter Smith & M^r^ Benj^a^ Hall Call into this house M^r^ Thomas Greenfeild

M^r^ Thomas Greenfield Enters the house

Ord^r^d that Maj^r^ Thomas Smith Maj^r^ Walter Smith & M^r^ Benj^a^ Hall goe to his Ex^cy^ and Councill and pray his Ex^cy^ that he will be pleased to send some of his Mas^tyes^ Honble Councill to Administer the Oathes to M^r^ Tho: Greenfeild

The Honble Thomas Tasker & ffrancis Ienkins Esq^r^ & W^m^ Bladen Enter the house and Administer the Oathes appoynted by act of Parlement instead of the Oathes of Allegiance & Supremacye unto M^r^ Thomas Greenfeild who haveing taken the Same and Subscribed the Test & assotiation tooke his place in the house & the Gent. of his Maj^ties^ Councill depart p. 50

The house adjournes till to morrow six of Clock.

Die Mercurij Iuly 12^th^ 1699:

The house mett againe and were Called over

Read over what was Done Yesterday.

Ord^r^d that the Serjent Attendant bring into this house M^r^ Rob^t^ Grundy high Sherif of Talbot County

M^r^ Rob^t^ Grundy appears in the house & is told that

The Comittee of Elections and Priviledges have made report th^t^ he has returned a member to serve in this house who was not duly Elected he not Giving such notice to the Inhabitants of the said County according to Act of Assembly

Who answers that he Did give such notice as possibly he could.

M^r^ Grundy is Ord^r^d to withdraw

Original Journal. Put to the vote if the said Rob^t^ Grundy should be fined for his neglect or not Carry in the affirmative.

Put to the Vote if he shall be fined Two thousand pounds of Tobacco or four thousands pds of Tobacco.

Carryed by the Majority of voices for Two Thousand pds of Tobacco.

An Act for Benefitting the Kings Subjects &c the first time and Comitted for Amendment.

An Act for the better Administration of Iustice in the Sev^r^all County Co^r^ts read the first time.

An Act for asscertaining what Damages shall be allowed on protested Bills of Exchange read the first time

An Act prohibiting Trade w^th^ the Indians for any flesh Dead or alive Except Deer & wild fowle read

By the house of Delegates Iuly 12^th^ 1699:

The Message by the honble Io^n^ Hammond & Thomas Tasker Esq^r^ has been here recd: & read Resolved that Cap^t^ p. 51 Rich^d^ Hill M^r^ Sam^ll^ Young M^r^ George Ashman M^r^ W^m^ Hutchisson M^r^ Thomas Greenfield M^r^ Walter Smith M^r^ Elisha Hall Cap^t^ Philip Haskens & M^r^ Benj^a^ Hall or the Maj^r^ Part of them be appoynted a Committe to Ioyne w^th^ his Ex^cy^ and his Maj^ties^ Honble Councill in adviseing & Concerting such Measures as will Suppress any violence w^ch^ may be offired to this Province by the Indians after the breaking up of this ꝑ^r^sent Sessions of Gen^ll^ Assembly untill such time that the said Gen^ll^ Assembly can possibly be Convened and that A Bill be prepared for the Same.

Signed ꝑ Ord^r^d
Chr Gregory Clk house Dell:

Ord^r^d that M^r^ Tho: Staley and M^r^ Tho: Hicks Carry the said Message who returne and say they have deliverd the Same

The Honble M^r^ Io^n^ Hammond & M^r^ Tho: Tasker Enter the house and P^r^sent the following Message

By his Ex^cy^ the Gov^r^ & Covncill in Assembly
Iuly 12^th^ 1699.

The houses Message this Morning sent by M^r^ Staley & M^r^ Hicks has been here received read & Considered & it is very well approved of that the Bill proposed should be prepared.

Signed ꝑ Ord
W Bladen Clk Councill.

Ord^{r}d that M^{r} Robert Grundy be brought againe into this house who Enters Resolved that M^{r} Robert Grundy high Sherif of Talbot County be fined for his neglect & not makeing a due returne of the Election of M^{r} Nicholas Lowe the sume of Two Thousand pounds of Tobacco and that he take the same writt and have it Signed by his Ex^{cy} the Gov^{r} and make another Election Read the Petition of M^{r} W^{m} Dent. Original Journal.

The Honble Tho: Tench and Io^{n} Addisson Esq^{r} Enter the house and P^{r}sent the following Message.

By his Ex^{cy} the Gov^{r} and Councill in Assembly
Iuly 12th 1699:

It falling under the Consideration of this Board the great advantage that has been made by the Gen^{ll} Assembly of this Province in the Religious worship of Allmighty God & that this Place is become the Seat of Governm^{t} &c w^{ch} thereby requires the Constant residence of some Pious and able Divine p. 52
being a place of great Concourse where ꝑsons of the best note & figure will resort besides the Publick meetting of Courts and assemblys but the Parish of it Self being soe small and Inconsiderable that it amounts not to any Suitable Encouragement to good meritt w^{ch} hath occassined his Ex^{cye} since his ariuall to require the attendance of the Clargy by Turnes at this Place w^{ch} in winter is Conceived will be very Burthensome besides depriveing their respective Parishes.

The reasons why this Parish was Layd out soe small was because it was allotted for the Residence & Cure of D^{r} Thomas Bray in whome vpon his arivall the Commissary office was Settled w^{ch} would Largely Supplye the Deficiency afsd but forasmuch as the said D^{r} Bray after Three Years Expectation is not yett arived nor has Given any assurance when he will come soe that this place without some Care will not be Supplyed.

It is therefore Recommended to the house to Ioyne wth this Board in anexing the next adjacent Parish to this Place w^{ch} will make a Competent Support to some able and Discreet Divine to Come and reside here and ꝑforme such Holy functions as are requesitt and becoming the place

Signed ꝑ Ord^{r}
W Bladen Clk Councill.

The house Adjournes till two of the Clock.

Eod Die the house mett againe & were called over

Original Journal. By the house of Delegates Iuly 12th 1699:

The Message by the honble Tho: Tench and Iohn Addison Esqrs has been here Considered and forasmuch as the parishes in this County are Settled wee humbly desire to be Excused from Concurring wth yor Excys & the honble Councills proposition in annexing the next adjacent parish and as it is Represented to be Inconsiderabell to the neighbouring parishes as being a Resident here he will be ready to attend the Provll Courts and Assemblys & in Consideration of those Extraordinary Services this house will take Care to Make him such acknowledgmts as shall be together wth his said Benefice a sufficient Support for his Maintenance untill such time that some other methods may be found out to provide better for his Support

Signed ꝑ Ordr Chr Gregory Clk house Dell.

p. 53 Mr Iacob Moreland Enters the house and Reportes tht he has been at the house of Mr Iohn Dent & sent for Two Justices of the peace to the house of the said Iohn Dent in ordr to take the acknowledgemt of the ffifty Acres of Land at the Coole Springs according to the Conveyance wth him sent wch he has refused & Denyed & thereupon returnes to this house the sd Conveyance and Ordr on Mr Mason for the Payment of the Same.

Ordrd that Coll Ion Thompson & Mr Wm Hutchisson carry the aboue Message to his Excy and Councill who returne & say they have deliverd their Message.

Majr Tho: Smith brings into this house Mr Robt Masons Bond for forty two pounds Three Shillings and Eight pence for the payment of Several sumes of Tobacco more than what was included in his other Bond & ordrd to be Lodged in the hands of the Treasurer of the Eastern shore.

Ordrd that Mr George Ashman & Coll Hance Hanson goe along wth Mr Iacob Moreland to his Excy & Councill & here Mr Moreland give an Accott to his Excy & Councill of his Negotiation concering the Lands at the Coole springs who returne & say that they have Deliverd their Message & that his Excy has been pleased to declare that what this house shall further doe in relation theirof he will Concurr therewith

The honble Ion Courts & Iames ffrisby Esqrs Enter the house & reports as follows

By his Excy the Govr & Councill in Assembly
Iuly 12th 1699:

It being represented to this board that the Rangers Lately raised by his Excy for security of the ffrontiers on Potomack are not any ways Supplyed w^th^ provisions to Subsist upon what they had from Annapolis being spent. It is theirfore Recommended to you first to Consider whither or not the s^d^ Rangers should be Continued there w^ch^ if you advise then how they shall be Supplyed with victualls Original Journal.

Signed ꝑ Ord^r^
Referrd till to Morrow Morning. W Bladen Clk Councill:

M^r^ Lynes Petition being brought in & Recommended from his Ex^cy^ and Councill was Rejected

Ord^r^d that M^r^ Charles Carroll be paid by M^r^ Rob^t^ Mason Publick Treasurer of the Westerne Shore for his Serv^ts^ work on the Towne Ditch the Sum of ninteen hundred pounds of Tobacco.

Ord^r^d that M^r^ Ioseph Hill be paid by M^r^ Robert Mason Publick Treasurer of the Westerne Shore for his Serv^ts^ work on the Towne Ditch Eleven hundred & fforty pounds of Tobacco & that notes be Drawne on the said Mason for the payment of the said sumes w^ch^ were signed by the Clk of this house & the Clk of the Councill. p. 54

Resolved that the Trustees for purchaseing fifty acres of Land at the Coole springs Lay out ffifty Acres of Land most Convenient to the Coole springs & Value the same by a Iury according to the Act of Assembly made & provided for purchaseing of ffifty acres of Land at the said Coole springs

The house adjournes till to Morrow Morning Six of Clock

Die Iovis Iuly 13^th^ 1699:

The house mett againe & were called over

Read over what was Done Yesterday

An Act for Prohibiting of Trade w^th^ the Indians for any flesh dead or alive Except Deer and Wild fowle read the second time

An Act assertaining what Damages shall be allowed on Protested Bills of Exchange read the second time

An Act for the Better Administration of Iustice in the sev^r^all County Courts read the second Time

Read Maj^r^ W^m^ Dents Petition praying allowance for his attendance on his Ex^cy^ and Councill as Att^ry^ Gen^ll^:

Put to the Vote if He shall be allowed his Expences or not and Caryed in the negative

Vpon the reading of the Message Concerning the Rangers.

Resolved that the same be referrd to the Comittee to Consider the Indian affaires and ord^r^d that a message be sent to his Ex^cy^ and Councill in relation thereunto.

Original Journal.

By the house of Delegates July 13th 1699:

This house humbley Desires that yor Excy will be pleased to appoynt the same Gentlemen of his Majtyes Honble Councill that were on the Comittee to Consider the Indian affaire to Ioyne againe wth the same members of this house to Consider of the Matters Concerning the Rangers being called or some Methods being prescribed if the same shall not be Called in to Supply them wth Provisions Signed ꝑ Ordr

Chr Gregory Clk house Dell.

Ordrd that Majr Walter Smith be added to that Comittee

Ordrd that Majr Tho. Smith & the rest of the Gent of that Comittee carry the sd Message & Ioyne in the said Comittee.

p. 55 Ordrd that the bills read this morning be sent to his Excy and Councill

By the house of Delegates Iuly 13th 1699:

The Bills herewith sent were before this Sessions but Temporary acts and Expired the Last Sessions & according to his Majties Royall instructions are now made perpetuall wthout any other alteration & have been read twice in this house and approved of.

Signed ꝑ Ordr

Chr Gregory Clk house Dell.

Ordrd Mr George Ashman & Mr Ion Whittington Carry the sd Bills and Message who returne and say they Deliverd the same.

The honble Iames ffrisby and Thomas Tasker Enter the house & bring back the three Bills this morning sent

The house Adjournes till Two of Clock.

Eod Die the house mett againe & were Called over

Ordrd that Mr Iohn Hall & Mr Walter Cambell Carry the Bills read this morning to his Excy and Councill who returne & say they have Deliverd their Message.

The Comittee of Laws Enter the house and Prsent Sevrall Bills.

The honble Iames ffrisby & Thomas Tasker Esqr Enter the house & bring Back the bills sent by Mr Hall & Mr Cambell Endorsed read the third Time & will pass & Ordrd to be Engrossed.

A Bill for restraining the Extortions of Sherifs Depty Sherifs &c read the first time

The house adjournes till to Morrow morning six of Clock

Original Journal.

Die Veneris Iuly 14th 1699

The house mett againe and were Called over

Read over what was done Yesterday

A bill for the reformation of Ieofailes read the first time

A Bill for Restraining the frequent assembling of negroes read the first time

A Bill for Quietting the Defferences ariseing between the English & Indians read and wholy rejected

A Bill for Appeales & Regulateing Writts of Erro^{rs} read the first Time

A Bill for Impowering the vestry men &c to Assess their Parishioners &c Read the first Time and Ord^{r}d th^{t} all the afsd Bills be read againe to Morrow Morning.

Iohn Greenes Petition Read and Rejected

Moved by member of this house whither the forty ꝑ pole ariseing by act of Assembly for the maintenance of the Ministry ought to be Levyed in those Parishes where Churches are allready built and noe Incumbent on the Benefices P. 56

Referrd till to Morrow Morning.

Memorandum that on thursday Iuly 13th about four or five of the Clock in the afternoone a violent fflash of Lightning broke into the State house at Annapolis the house of Delegates being there sitting w^{ch} Instantly Killed M^{r} Iames Crauford one of the members for Calvert County & hurt & wounded Severall other members and Shattered & broke most part of the Dores and window Cases belonging to the said house & sett the said State house on fier in one of the vpper Chambers & Severall other Damages but the fire was presently Quenched by the Dillegence & Industry of his Ex^{cy} Nathaniell Blackistone his Maj^{tyes} Gov^{r}

Resolved that the Amerciam^{ts} in the Sev^{r}all & Respective County Courts in this Province be applyed to the Defraying of the County Charge & that a Bill be prepared therefore

Resolved that the Act of Assembly for 3^{d} ꝑ hh^{d} to the Use of his Maj^{tyes} P^{r}sent Gov^{r} be revived & that a Clause be incerted that it shall be at the Election of the payer Either to pay the same Either in the Currant Money of this Province or Bills of Exchange

The Comittee for Considering the Indians affaires Enter the house and make report as follows

By the Comitte appointed to Conferr wth some of his Maj^{tyes} Honble Councill of the affaires relateing to the Indians Iuly 13th 1699.

The Comittee being mett againe & haveing taken the said affaires into their serious Considerations It is the opinion of this Comittee that it is necessary that seven men more be

Original Journal. added to the Rangers that are now out being Thirteen men & that six of the saide men be placed one or more in a house at the discretion of Coll Io^{n} Addisson & the Com̃anders where they see most occassion for the Strengthening of the frontier Plantations & that the Remaining part of the men be kept out a Ranging by Turnes.

And that Coll Ninian Beale be Com̃ander in Cheife of the s^{d} men & that Rich^{d} Owen be Cap^{t} & that the s^{d} men Continue in that Station soe Long as his Ex^{cy} the Gov^{r} & Councill and Comittee appoynted by the house shall think fitt

p. 57 It being proposed by the Comittee to Coll: Ninian Beale & Cap^{t} Rich^{d} owen what Bread & Porke they had occassion for the maintenance of the said men they supposed it necessary to have one Thousand weight of Biskett & Six hundred weight of Porke for the payment of w^{ch} they are willing that the same be deducted out of their Pay at what rate the Country Can purchase the Same for them.

And the honble Thomas Tench Esq^{r} doth Engage to take Care to ꝑvide the s^{d} Biskett & Pork for their Provissions &c And the Comittee thinks it necessary that the Honble Tho: Tench Esq^{r} have power to Draw upon the Treasurer for what money he shall have occassion for the purchaseing of the same

And allsoe it is the opinion of the Comittee that the sd Rangers being in the actuall Service of the Country and for the Defence of this Province that they ought not to pay any Leaveys nor to pay for amunition.

And further it is the opinion of the sd Comittee that the said Rangers be allowed halfe a Crowne ꝑ day they ffinding themselffs ꝑvissions and that the Commanders be paid and allowed ꝑportionably & that the six ffoot Souldiers to be Quartered for Strengthing the frontiers Plantations be allowed Eighteen pence ꝑ day they allsoe finding themselfs ꝑvissions w^{ch} is supposed to be reasonable by the Comittee they Considering the Scarcety of Provissions & the Dearness of the Same at ꝑ^{r}sent & in Consideration of their Great allowance it is thought necessary by the Comittee that they should dayly Range & if any of them shall be seene Stragling about the Plantations & not performing of theire Duty for Ever such days neglect they shall Loose their days pay wth further Punishm^{t} as their Commander shall Think fitt.

By the Comittee Iuly 14th 1699.

The Comittee thinks it necessary that Iames ffrisby Esq^{r} or one of his Maj^{tyes} Councill next adjacent wth Coll Iohn Thompson & one of the Burgesses of Baltemore County wth what Original other ꝑsons they shall think fitt be Dispatched wth all Conve- Journal. nient speed to the Susquehanah Indians to see if they will Ratifye & Confirme the Leauye allready made wth them & to Enter into such further articles as shall be ꝑposed vnto them or to any other Indians Adjacent & that a ꝑsent be prepared p. 58 to be made unto them

And as To the piscataway Indians w^{ch} are dayly Expected to Come and settle amongst us if they should not Come in before the returne of the message for the Susquehanah Indians that his Ex^{cy} the Gov^{r} and Councill wth the Comittee appoynted by the house take such methods and measures therein as to them seems meett & Convenient

The Comittee thinks it requisite that a Coppy of there proceedings relateing to the Indians be Transmitted to his Ex^{cy} ffrancis Nicholson his Maj^{tyes} Gov^{r} in Cheife of the Collony of Virginia

And that Ord^{rs} be Issued out to the severall officers of the malitia th^{t} they ffrequently Excerscise their men & be in readiness according to former Instructions to be at an Hours warning upon any occation and a Coppy of the said Instructions to be Transmitted to the Chiefe officer of Each respectiue County

Signed ꝑ Ord^{r}
C Lomax Clk.

Iuly 14th 1699.

This house Concurr wth the opinion of the said Comittee
Chr Gregory Clk house Dell.

Ord^{r}d that Coll Ninian Beale & M^{r} W^{m} Hutchinsson Carry the s^{d} report to his Ex^{cy} and Councill who returne & saye they deliverd their Message

A Bill for appoynting Iudges of Nisi Prius in this Province read the first Time & Ord^{r}d to be Laid vpon the Table & to be read againe on Munday Morning.

The Honble Thomas Tench Esq^{r} & Coll Iohn Addissen Enter the house and ꝑ^{r}sent the following Message viz

By his Ex^{cy} the Gov^{r} & Councill in Assembly
Iuly 14th 1699.

The report has been here read & this house Concurr wth the house of Dellegates in approving thereof & Recom̄end it to the house to presse a bill accordingly

Original Journal.

The Consideration of this Subject brings into remembrance the many Signall Services and Laborious Endevours of Coll Ninian Beale one of yo^{r} members w^{ch} he still Continues willingly Even beyond what his age seems Capable of therefore that good Services may not goe unrewarded & that others in time to Come may be Encouraged thereby to Exert there abilityes p. 59 in the Countrys Service It is recommended to your Consideration to make him some allowance out of the Publick Stock to the value of one hundred or soe much money as will buy him four negroes and that some ꝑson may be appoynted to buy and deliver them to him & that they may be settled in some ꝑson for his Use and Support During his Life & after During his wifes and after to such Child or Children as he shall dispose by his last will and Testament and not Subject to paym^{t} of any the said Coll: Beales Debts.

Signed ꝑ ord^{r}
W Bladen Clk Councill

Put to the Vote if any Imposition shall be laid on Irish Serv^{ts} or not

Caryed in the affirmative

Put to the Vote if 15 Shillings or 20 shill shall be the Imposition

Caryed by the Majority of Voices for twenty Shill.

Resolved that a Bill be prepared to Lay an Imposition of twenty Shillings ꝑ poll on all negroes and Irish Serv^{ts} Imported into this Province to be paid in ready money in this province & to be directly applyed to the Defraying of the Publick Leavy and to noe other Use what soever

Resolved that the Act of Assembly for Conveying Publick Lett^{rs} being but a Temporary act be made perpetuall.

Resolved that if his Ex^{cy} will be pleased to Consent theretoe that the act ag^{t} Divulgers of false news be Repealed.

Put to the vote if any Imposition shall be Laid on Rum and wine and Caryed in the affirmative

Put to the Vote if the Imposition shall be 3^{d} or 4^{d} ꝑ Gallon & Caryed by the Majority of Voices for 3^{d}

Resolved that a Bill be prepared imposeing a Duty of 3^{d} ꝑ Gall on all rum wine or Brandy w^{ch} shall be Imported Either by Land or Water from any the Islands into this Province & to be applyed towards the Defraying of the Publick Charge of this Province. Resolved that the Act for Encouragem^{t} of Tillage &c be wholy Rejected Resolved th^{t} the Act ag^{t} the Importation of Convicted ffellons be made ꝑpetuall Resolved th^{t} the Act ag^{t} the Importation of wooll & old Iron Expire Resolved that the Act Entituled an Act for Raising a supply towards the defraying the Publick Charge & Imposeing a duty of 3^{d} ꝑ hhd Expire

Original Journal. p. 60

Put to the Vote if the Act for stay of Executions after Aprill Courts shall be Cont^{d} or not

Caryed in the affirmatiue & Resolved to be Continued

Resolved that the Act Imposeing a duty of Tenn ꝑ Cent on all Europian Comodityes Expire

Resolved that the Act of Assembly Made in May 1692 Impowering the Com^{rs} of the County Courts to Lay the County Leauy be Revived

The Honble Tho: Tasker & ffrancis Ienkins Esq^{rs} Enter the house & P^{r}sent the following Mesage

By his Ex^{cy} the Gov^{r} and Covncill in assembly
Iuly 14th 1699.

This Board takeing into Consideration the Dreadfull accident that happened yesterday to the State house & the Great Danger of Burning therefore Doe reecommend to the house that four or fiue small water Engines & Twenty Leather Bucketts be sent for by the P^{r}sent Shipping w^{ch} may be hung vp in the Court house & ready upon any such vnhappy Occassion which God Prevent.

Signed ꝑ Ord^{r}
W Bladen Clk Councill.

This house Concurrs therewith

Chr Gregory Clk house Dell.

The house Adjournes till Two of Clock

Eodem Die the house Mett againe and were Called over

A Bill for Reformation of Ieofailes read the second time & Comitted for Amendment

The house adjournes for halfe an houre

Eod Die the house Mett againe & were Called over

Read M^{r} Lynes Petition praying to have his former Petition returned to him and Granted that they be returned

A Bill for Restraining the Extortions of Sherifs Depty Sherifs & Depty Commissarys read the secon Time

A Bill Impowering the Vestrymen &c to assess the Parishioners read the second Time

A Bill restraining the frequent assembly of negroes read the second time but did not pass

A Bill for appeales & Regulateing Writts of Erro^{r} Read the Second Time

Original Journal The Comittee of Elections and Priviledges Enter the house & report as followes

The Comittee haveing before them the returne of the Writt for Election of one Delegate to serve for Charles County & having Examined & Inspected the said Returne doe find & report that Mr Philip Briscoe is duely Elected and Chosen a Delegate to Serve for Charles County afsd & Indentures thereof Returned according to Act of Assembly

Signed ꝑ Ordr
Iacob Loockerman Clk.

Ordrd that Mr Philip Briscoe Enter the house who makes p. 61 his Appearance

Ordrd that Capt Philip Hoskins & Mr Ion Bozman Acquaint his Excy of a member being Come to serve as a delegate for Charles County that he will be pleased to send some of his Majtye Honble Councill to Administer the oathes to him who returne & say they have dd their Message

The Honble Coll Iohn Courts and Mr Wm Bladen Enter the house who administred the Oaths appoynted by act of Parliamt instead of the Oaths of Allegiance & Supremacy to Mr Philip Briscoe who haveing taken the same and Subscribed the Test & Association Tooke his place in the house

The house Adjournes till to Tomorrow Six of Clock

Die Saturni Iuly 15th 1699.

The house mett againe and were Called Over

Read Over what was done Yesterday

Put to the Vote if Coll Ninian Beale shall have an Allowance or not

Caryed in the affirmative

Resolved he be allowed Seventy five pounds for the purchaseing of three Negroes & Ordrd That Mr Wm Hutchinsson buy three Negroes and Deliver them to Coll Ninian Beale and that they be invested in the sd Ninian Beale according to the Proposall of his Excy and Covncil and that Mr Wm Hutchinsson have Power to Drawe on the Treasurer of the Western Shore for the Payment thereof and that a bill be prepard therefore

Put to the Vote if the Bill for the restraining the frequent Assembling of Negroes shall be Amended or Rejected.

Caryed by Majority of Voices to be Rejected

Resolved that Coll Ninian Beale have Liberty to goe & Looke after the Transporteing the provisions for the Rangers

Ord^{r}d that the Report of the Comittee Concerning the Indian affaires be sent to the Comittee of Laws to prepare a Bill thereon Original Journal.

Ord^{r}d that Coll Io^{n} Thompson & M^{r} George Ashman Carry the Bill for restraining the Extortion of Sherifs Depty Sherifs and Depty Comisarys the Bill for appeales and regulateing Writts of Erro^{r} the Bill Impowering the Vestrymen to Assess their parishioners being twice read here to his Ex^{cy} and Councill who returne & say th^{t} they have delivered their Message

A Bill for Enabling the purchasers of the Subscriptions to the ffreeschoole to recover the same Read the first Time.

Read M^{rs} Hannah Clarks Petition referrd till Monday morning to a full house p. 62

By the house of Delegates Iuly 15th 1699:

The Message yesterday sent by the honble Tho: Tench Esq^{r} and Coll. Iohn Addisson in relation to Coll Ninian Beale has been here read and Considered & in respect of the Good Services that the said Coll Beale has done for this Province & his willingness now in his Old age to Continue in the Service of this Country have resolved that M^{r} W^{m} Hutchinsson buy and Diliver unto the said Coll Ninian Beale three Negroes & that the said Three Negroes shall be invested in the said Beale Dureing his naturall life and after dureing the natural use of the wife of the said Ninian Beale & after to such Child or Children as he shall by his Last Will & Testament dispose of them too and that M^{r} W^{m} Hutchinsson have Power to Drawe upon the Treasurer of the Western Shore for the Sum of Seventy five pounds for the payment of the same & that the said Negroes for any Iudgm^{t} or Debts whatsoever due from or recoverd ag^{t} the said Ninian Beale shall not be taken in Execution for the satisfaction of any such Iudgm^{t} or Debt.

Signed ꝑ Ord^{r}
Chr Gregory Clk house Dell.

Ord^{r}d that M^{r} Iames Saunders and M^{r} Iacob Loockerman Carry the said Message who returne and say they have Diliverd the Same.

A Bill Impowering the Commissioners of the Severall Countys to defray the Charge of the said Countys read the first Time

A Bill for stay of Executions after April Courts read the first Time

A Bill for the Speedy Conveyance of Publick L^{rs} read the first time

Original Journal. A Bill for Amerciam^ts^ in the Prov^ll^ & Covnty Co^r^ts read the first Time

Ord^r^d that these fovr Bills be read againe this afternoone.

The Honble Iames ffrisby and Tho: Tasker Enter the house and bring in the Bills sent by Coll Thompson and M^r^ Ashman w^th^ some remarks for amendm^t^ w^ch^ being amended were sent back by M^r^ Io^n^ Hall & M^r^ Walter Campbell who returned and say they have deliverd the same

Read the Petition of Maj^r^ Tho Smithson Publick Treasurer on the Eastern praying his Acc^tt^ might be allowed for Sev^r^all sums of Money w^ch^ he paid to Coll Hutchins & Sev^r^all the Delegates & officers on the Eastern Shore out of the Publick Stock.

p. 63 Whereupon the house resolve them selfs into a Grand Comittee and appoynt Maj^r^ Tho Smith Cheirman w^ch^ Comittee being Ended and M^r^ Speaker having reassumed the Chaire Maj^r^ Thomas Smith made report that the Comittee had Considerd the Petition & Grantd the Petitioners Request.

The house Adjournes till Two of the Clock

Eod Die the house Mett againe & were Called over

Ord^r^d that M^r^ Speaker Issue his Warrant to his Maj^tys^ Sec^ry^ to Issue out a writt of Election to the Sherife of Calvert County to Elect one Delegate to Serve in the Roome of M^r^ James Crauford Lately Decd.

A Bill of Amercem^ts^ in the Prov^ll^ & County Co^r^ts, read the second time and will pass

A Bill for Speedy Conveying of L^rs^ read the second time and will pass

A Bill for Staying of Execution after the tenth of April read the second Time and will pass

A Bill Impowering the Comiss^rs^ of the County Courts to raise money to Defray the necessary Charge of the County read the second Time & will pass

Ord^r^d that M^r^ Iohn Hall M^r^ Tho: Hicks M^r^ Walter Cambell and Maj^r^ Iames Smallwood Carry the said bills to his Ex^cy^ & Councill who returne and say they have Delivered the Same

To his Ex^cy^ the Gov^r^ the Humble Adress of the house of Delegates.

May it please yo^r^ Ex^cy^

Wee are not insencible of his Sacred Maj^tyes^ Royall Commands to yo^r^ Ex^cy^ concerning navigation Bonds Lately put in suit against Divers of his Maj^tyes^ poor Subjects here ag^t^ some of w^ch^ Iudgem^ts^ is allready Given to the Great Terro^r^ & Discouragem^t^ of the said Partyes who are in noe wise capable

Original Journal.

of yealding any Satisfaction in Discharge of such Iudgemts and must therefore Inevitably Perish in Goale Except his Majty Gracious Clemencye be Extended towards them to wch End & purpose this house has formerly ꝑrsumed to ꝑrsent their most humble Petition to his Most Sacred Majty whose Royall pleasure thereupon has not yet been Signified to vs

Wee therefore make this our Most humble address to yor Excy that noe Execution may be Leavyed nor further proceedings p. 64 used agt the said ꝑsons untill his most sacred Majtys Royall pleasure may be therein further Knowne and Likwise that in the mean time yor Excy will be pleased to Joyne wth us in an humble Adress to his Sacred Majty wholy to Remitt the Penalty in those Bonds soe prosecuted In wch there never was any the Least designe or Intention of fraud but on the Contrary to Encorage his Majties Subjects Trading into this his Majties Province as has Evidently appeard upon the Tryall of Most of those Bonds though of more then Twenty years standing yet have procured Certificates and that not without Great Charge and Trouble for these & other the Like reasons wch may be most manifestly made appear to yor Excy wee Most Humbly pray yor Excys noble Condescention herein wch will most Strongly Confirme wt wee have hitherto good reason to believe that yor Excy will Use all Honble Means to Make Us happy and Easey under yor Governmt and as becomes us Ever Endeavour to be as we are Sr Yor Excys Most oblidged and Most obedient Servants

The house of Delegates.

Signed on behalfe of the house of Delegates Thos Smithson Spēker

Resolved that the said address be sent to his Excy and Councill

Ordrd that Mr Iames Saunders Mr Tho: Ennalls Mr Tho: Smith Mr Ion Hall Mr Michaell Miller Mr Philip hoskins Mr Tho: Staley Mr Samll Collins Mr Tho: Waughop Mr Tho: Greenfeild Mr Philip Briscoe and Mr Thomas Hicks Carry the said Address to his Excy & Councill who returne & say they dd their Message.

A Bill for prohibiting the Inhabitants of this province or any other from Carrying Liquors to the Indian Towns read Twice.

A Bill for high wayes & Makeing the heads of Rivers Creeks & Branches &c read Twice

A Bill for the height of fences &c read Twice.

A Bill for settling a Revenue on his Majties Prsent Govr read Twice

Ordrd that Mr Wm Harris Mr George Ashman Mr Tho:

Original Journal. Greenfeild Mr Ion Worthington Mr Tho: Ennalls Mr Benja Hall Mr Iacob Loockerman & Mr Tho: Beale Carry the sd Bills to his Excy & Councill who returne & say they have deliverd the same.

The Honble Thomas Tench & Coll Ion Addisson Enter the house and Returne Back the following Bills (viz)

p. 65 A Bill for stay of Execution after the Tenth of April

A Bill for Amerciamts in the Provll and County Courts

A Bill for Appeales and Regulateing writts of Error

A Bill for the Speedy Conveying of Lrs

A Bill to Impower the Vestery Men to assess theire Parishioners.

Which said Bills being Remarked for some amendmts were amended and past for Engrossing.

The Gent of his Majties Honble Councill allsoe brought with them a Coppy of a Lr sent by his Excy to Lords of the Council of Trade and Plantations on behalf of the ꝑsons in this Province Concerned in Navigation Bonds as allsoe this following Message

Gent:

My Zeale has not been wanting to become a mediator for what you Desire in yor Address as you will ꝑceive by a Coppy of a Lr herewith sent you wch I wrote to the Lords Comrs of Trade and plantations upon that Topick & my Endevours and Interest shall not be wanting to my friends at home to assist you when it is put in a method for Solicitation I have a very Tender Concerne for those unfortunate ꝑsons that are vndr the Lash of those Bonds I shall allsoe recom̄end it to the Lords Comrs of Trade and Plantations But reguard of my Station & his Majtys Instructions it will not become me to Ioyne in Subscription or address as a ꝑtye but shall very readily Give yors all the favour and Ease that Lyes in me to ꝑmote its success I am yor Humble Servt

Iuly 15th 1699. N Blakistone

Resolved that an answer be Drawne up to returne his Excy the thanks of this house

By the house of Delegates Iuly 15th 1699.

May it Please yor Excy

Yor Excys Message by the Honble Tho: Tench Esqr and Coll Iohn Addisson has been here read & this house humbly desires that yor Excy will be pleased to accept of our harty and unfeigned thanks as well for yor fervant Zeale for the good of this Province as for yo^{r} soe free & Generous undertakeing in being a mediatour for us before such time as wee were Known unto you but ꝑ^{r}sume that yo^{r} owne Generous Inclination was the only motive that then Induced you wherefore wth the more Cheerfull assurance of yo^{r} Continuance of yo^{r} wonted goodness wee Subscribe o^{r} Selfs yo^{r} Ex^{cys} Most Humble and Obedient Serv^{ts} Original Journal.

Signed in behalf of the House of Delegates Thomas Smithson Speaker p. 66

Ord^{r}d That M^{r} Michaell Miller M^{r} Tho: Ennalls M^{r} Iacob Loockerman M^{r} Tho: Waughop M^{r} Benj^{a} Hall M^{r} Iohn Bozman M^{r} Io^{n} Lowe M^{r} Iames Smalwood M^{r} Philip Briscoe & M^{r} Tho: Hicks Carry the said Message & p^{r}sent to his Ex^{cy} in Council who returne and say they have Deliverd there Message.

The Honble Io^{n} Hammond & ffrancis Jenkins Esq^{rs} Enter the house and Bring back these following Bills Viz.

A Bill for the height of fences &c

A Bill Impowering the Com^{r}s of the County Co^{r}ts &c raise money &c.

A bill for highways & makeing the heads of Rivers wth the following Remarke

Vpon the reading & Considering the Bill for Marking highways &c It is Conceived that the Bill obliges Every Master of a ffamily to send all his Taxables w^{ch} is Too hard to the Master.

By the house of Delegates Iuly 15th 1699.

The house have Considered the alteration ꝑposed to be made in the Bill for high wayes & makeing the heads of Rivers Creeks branches &c passiable &c & Humbly Conceive that such alteration as is ꝑposed that Every overseer &c should not be oblidged to send all his Male Taxables would be to throw the whole Burthen thereof upon the poore only

Signed ꝑ Ord^{r}
Chr Gregory Clk house Dell.

Ord^{r}d th^{t} M^{r} W^{m} Hutchinsson & M^{r} Tho: Hicks Carry the said Message who Returne and say they have deliverd the same.

The Honble Coll Io^{n} Addisson & Coll Io^{n} Courts Enter the house & Bring back the Bill for settling a Revanue on his Maj^{ties} P^{r}sent Gov^{r} w^{ch} past for Engrossing as all soe the following Message

Original Journal. Gent

I returne you my utmost acknowledgm^ts^ for the favo^r^ you have done me in the additionall three pence & I shall Ever be well pleased to receive the Least Marks of yo^r^ good opinions of me & shall allwaise make it my Study to acquit my self in the Intire Service of this Province I am Gent yo^r^ Most Humble Serv^t^

Iuly 15^th^ 1699. N Blakistone

The Honble Coll Charles Hutchins Enter the house and brings Back the Message sent by M^r^ W^m^ Hutchinsson and M^r^ Hicks Endorsed thus.

p. 67 By the Councill in Assembly Iuly 15^th^ 1699.

This Board Concurr w^th^ the house as to the amendmt of the s^d^ Bill

Signed ꝑ Ord^r^
W Bladen Clk Council.

By the house of Delegates Iuly 15^th^ 1699.

It falling under the Consideration of this house for some methods to be taken towards the building of a Prison in this Port & towne of Annapolis humbly Desire that yo^r^ Ex^cy^ will be pleased to appoynt some of the members of his Maj^ties^ Honble Councill to Conferr w^th^ some of the members of this house in proposeing such methods as may be Expedient for the building of such prison and to appoynt such time and place as to them shall seeme Convenient

Signed ꝑ Ord^r^ Chr Gregory Clk house Dell.

Ord^r^d that M^r^ W^m^ Harris M^r^ W^m^ Hutchinsson M^r^ Io^n^ Worthington M^r^ Tho: Hicks & M^r^ Io^n^ Lowe Carry the said Message to his Ex^cy^ and Councill & are appoynted to Joyne in such Conferrence.

A Bill for Killing of wolfes read the first time & Ord^r^d to be read againe on Monday

A Bill for Publication of Marriages read the first time & ord^r^d to be read againe on Monday

The house adjournes till Monday Morning Six of Clock.

Díe Lumæ Iuly 17^th^ 1699.

The house mett againe and were Called over.

Read over what was done on Saturday Original Journal.

A Bill for Killing Wolfes read the second Time & will pass

A Bill for Publication of Marriages read the second time & Rejected

Read Maj^r^ Edward Dorseys Petition Praying a remittance of his fine and Rejected.

Read M^rs^ Hannah Clarks Petition & put to the Vote if it shall be granted or not and Carryed in the affirmative

A Bill to Impower the purchasers of the Subscriptions to the free Schoole to recover the same read the second time & will pass.

A Bill for appoynting Iudges of Nisi Prius read the second time and put to the Vote if it shall pass or not Carryed in the negative

A Bill for assurance of Land in Kent County to Henry Wallice read the first time

The Honble Iames ffrisby Esq^r^ & Maj^r^ Io^n^ Hammond Enter the house and p^r^sent the Message in relation to passing an Act for Regulateing Mariages & a Lett^r^ from M^r^ Rich^d^ Sewell in relation to the Same p. 68

Ord^r^d that the same be referrd to the Comittee of Laws

Proposed by a member of this house whither the three pence ꝑ hhd since his ꝑ^r^sent Ex^cy^ accession to this Gou^r^nm^t^ does now by any Law belong to this p^r^sent Gov^r^ if not that a Bill be prepared to Invest it him

Resolved th^t^ a Bill be prepared to Invest the three pence ꝑ hhd in his p^r^sent Ex^cy^ Nathaniell Blakistone that has accrewed since his Ex^cy^ has taken this Gourenm^t^ upon him

By the house of Delegates Iuly 17^th^ 1699.

This house have received the Message this day sent by the Honble Iames ffrisby & Maj^r^ Io^n^ Hammond & have Considered the same & Humbly Desire that his Maj^ties^ Att^r^y Gen^ll^ may prepare a Bill thereon and ꝑsent the same to the Consideration of this house

Ord^r^d M^r^ Walter Smith and M^r^ Iacob Loockerman Carry the said Message

The house adjournes till Two of the Clock

Eodem Die The house againe Mett & were Called over

Maj^r^ Walter Smith & M^r^ Iacob Loockerman say that they have deliverd theire Message.

The Honble Thomas Tasker & ffrancis Jenkins Esq^rs^ Enter the house and bring into the house the Bill for Enabling the purchasers of the Subscriptions to the ffree schoole to recover the same w^th^ some Remarks for the amending thereof as allsoe

Original Journal the Bill for Killing of wolfes indorsed read the first time and will pass wch Bill being againe read and the other amended as proposed and read againe were sent to his Excy the Govr and Councill by Mr Ion Hall & Mr Walter Cambell who returne and say they have Deliverd their Message.

The Comittee of Elections and Priviledges Enter the house and ꝑsent the following report

The Comittee haveing before them the returne of the writt for Election of one Delegate to Serve for Baltemore County & haveing Examined & inspected the said Returne Doe find p. 69 and Report that Mr Iames Philips is duely Elected and Chosen a Dellegate to Serve for Baltemore County afsd & Indentures thereof returned according to Act of Assembly in that Case made & ꝑvided

Signed ꝑ Ordr
Iacob Loockerman Jun Clk.

Ordrd that Majr Tho: Ennalls & Mr Iacob Moreland Call into the house Mr Iames Philips and Goe and acquaint his Excy of his being returned and pray his Excy to be pleased to send some of his Majties Honble Councill to administer the Oathes to him who returne and say they have dd their Message.

The Honble Coll Ion Courts & Robt Smith Esqr & Mr Wm Bladen Enter the house and informe Mr Speaker that his Excy has sent them to Administer the Oathes to Mr Iames Philips who Likewise did Administer unto Mr Iames Philips the Oathes appoynted by Act of Parliamt instead of the Oathes of Allegiance & Supremacye to Mr Iames Phillips who haveing taken the same & Subscribed the Test and Association took his place accordingly

Majr Wm Dent Enters the house and brings in the Act for Publication of Mariages Ordrd by him to prepare

A Bill for Gratuity to Coll Ninian Beale Read the first Time.

A Bill for Raising a supplye towards the Defraying the Publick Charge Read the first Time

A Bill for Limitting the Time of Writts of Errors and appeals being Brought Read the first Time.

A Bill for settling of Assemblys and Provll Courts at Annapolis read the first Time

A Bill for Rectifying the Ill practice of Attrys of this Province & Settling the Attry Genlls ffees read the first Time.

A Bill for Speedy Justice for small Debts Read the first Time.

Ordrd that these Six Bills be Read Againe to Morrow Morning.

A Bill for Publication of Mariages read the first Time & Rejected.

Put to the Vote if any Limittation shall be put to the Bringing of Writts of Error and appeales or not Original Journal.

Carryed in the Negative

The house Adjournes till to morrow morning six of Clock

Die Martis July 18th 1699.

The house mett againe & were Called over

Read over what was Done Yesterday p. 70

A Bill for rectifying the Ill practices of Attrys in this Province and asscertaining the Attry Genlls & Clk of the Indictmts fees read the second time.

A Bill for Speedy Justice for small Debts read the second Time

A Bill for settling Assemblys & Provll Corts at Annapolis read the second Time

A Bill for raising a Supplye to Defray the Publick Charge read the second time

A Bill of Gratuity to Coll Ninian Beale read the second Time

A Bill for Confirming 500 Acres of Land to Henry Wallice read the second Time

Ordrd that Mr Walter Cambell Mr Iacob Loockerman Coll Ninian Beale Mr Iohn Bozman Mr Samll Collins Mr Iames Smalwood Carry the said Bills to his Excy and Councill who returne and say they have Deliverd theire Message.

A Bill for recovering the fines due from the Publick officers read the first time

Ordrd that Mr Iohn Carvill Mr Wm Hutchinsson & Mr Samll Young be Added to the Comittee of Laws.

By the house of Delegates Iuly 18th 1699.

This house haveing appoynted some of their Members to Conferr wth some of the Members of his Majties Honble Councill Concerning the building of the Prison have resolved tht they shall allsoe take into Consideration the Building of the Church

Signed ꝑ Ordr
Chr Gregory Clk house Dell.

Ordrd that Majr Walter Smith & Mr Thomas Hicks Carry the said Message who returne & say they have Deliverd the same

A Bill for Impowering Beja Williams to sell the Land of

Original Journal. Ioseph Will^{s} Lying in Cecill County for paying his Brothers Debts read the Third time & assented to.

A Bill Impowering Maj^{r} W^{m} Whittington recover the fines on officers in Summersett County read the third Time and Assented unto.

A Bill for prohibitting Trade wth the Indians for any flesh dead or alive Except Deer or wild fowle

A Bill for better administration of Justice in the County Courts

A Bill for asscertaining the Damages on Protested Bills of Exchange

A Bill for the restraining of the Extortion of Sherifes Depty Sherifs and Depty Commisarys

A Bill for amerciam^{ts} in the Provinciall and Courts

A Bill for Staying of Execution after the Tenth day of Aprill

A Bill Impowering the Vestrymen &c to assess their Parishioners

A Bill for Appeales & regulateing Writts of Erro^{r}

p. 71 A Bill for Conveying of Publick Lett^{rs} &c.

A Bill Impowering the Commissioners of the County Courts to raise Money to Defray the County Charge.

A Bill for Clearing and Marking the high Roads &c

A Bill for the height of fences & punishing the Burners thereof

A Bill for Killing of wolues

A Bill Impowering the purchasers of the Subscriptions to the ffreeschooles to recover the same

A Bill for Settling a Revanue on his Maj^{tys} P^{r}sent Gov^{r}

These Bills being read the third time were assented to by this house

The honble Coll Charles Hutchins and Rob^{t} Smith Esq^{rs} and Maj^{r} W^{m} Dent Enter the house & Bring back the sev^{r}all Bills sent this morning by M^{r} Cambell and others wth some Remarques for some of their amendm^{ts} w^{ch} being amended as proposed were passd for Engrossing.

The house Adjournes till Two of Clock

Eod Die the house mett againe and were Called over

A Bill for assertaining the Bounds of Land read the third time and assented to

Put to the vote if Debentures shall be for three months or six months Carryed for Three Months The Comittee of acc^{ts} by Cap^{t} Philip Hoskins send Downe M^{r} Dents Acc^{t} for his Attendance on the Councill as Att^{ry} Gen^{ll} & Ord^{r}d that he be allowed 120 pounds of Tobacco ꝑ day.

Original Journal.

A Bill for investing the three pence ꝑ hhd since the departure of his Excy Govr Nicholson in his Excy Coll Nathaniell Blakistone his Majtys Prsent Govr Read Twice

Ordrd Mr Thomas Ennalls Mr Iacob Loockerman Mr Philip Briscoe Mr Benja Hall Mr Wm Whittington & Mr George Ashman Carry the Bill for ascertaining the Bounds of Land and the Bill for Investing the 3d ꝑ hhd since the accession of his Excy Gour Blakiston to this Governmt in his sd Excy to the Govr and Councill

A Bill for taking Speciall Bayle in the Severall Countys read the first time & Ordrd to be read to Morrow morning

The Honble Coll Charles Hutchins Coll Ion Courts & Majr Ion Hammond Enter the house & returne the Bills sent by Mr Thomas Ennalls and others assented to by the Councill

The Honble Thomas Tench & Tho: Brooks Esqr Enter the house & bring Back the Bill for asscertaining the Bounds of Land the Bill for Setling the 3d ꝑ hhd since the Dissolution of p. 72 his Excy Gour Nicholson Commission in his Prsent Excy Coll Nathaniell Blakistone & returne his Excys thanks to this house for the Same.

A Bill for Regulateing Ordrys & Limitting the number of them within this Province read twice

A Bill for securing the frontiers of this Province from Incurssions of Indians read twice

A Bill for Recovering the fines due from Publick officers read the second Time

The house adjournes till to Morrow Six of Clock

Die Mercurii Iuly 19th 1699.

The house mett againe and were Prsent as before on Yesterday

Read over what was Done Yesterday

A Bill for taking Speciall Bayle in the Sevrall Countys in this Province upon accōns Depending in the Provll Court read the second Time and Comitted for Amendmt

Ordrd that Mr Ion Thompson Mr Iames Saunders Mr Iames Philips Mr Philip Briscoe Mr George Ashman & Mr Ion Lowe Carry the Bills Last night read to his Excy & Councill who returne and say they have Deliverd theire Message.

A Bill for payment of the fees due from Crimminalls read the first Time

A Bill for sumoning Grand & Petit Juryes read the first Time

The Honble Iames ffrisby & Tho Tasker Esqr Enter the house & bring Back the Bills sent this Morning by Coll

Original Journal. Thompson & others and a Petition of Leiv^t^ Coll Smithson recomended to this house

Read the Petition of Leiv^t^ Coll. Thomas Smithson for his Drawing the Platts to be anexed to the Sev^r^all Laws to be sent to the Sev^r^all Countys to the Act for assertaining the bounds of Lands & to be anexed to the Coppyes to be sent for England w^ch^ being read was Granted

A Bill for Settling assemblys & Prov^ll^ Covrts at the Port of Annapolis

A Bill for Gratuity to Coll Ninion Beale

A Bill for secureing five hundred Acres of Land to Henry Wallice

A Bill for Investing the 3^d^ ꝑ hhd to his Ex^cy^ Gov^r^ Blakistone

A Bill for raiseing a Supply towards the Defraying the Public Charge

A Bill for speedy Justice for small Debts

A Bill for rectifying the Practice of the Att^rys^ in the Prov^ll^ & County Co^r^ts and asscertaining the Att^ry^ Gen^ll^ and Clk of the Indictm^ts^ fees.

These bills being read the third time were assented to by this house

Ord^r^d that M^r^ Philip Hoskins M^r^ Elisha Hall Cap^t^ Tho: p. 73 Waughop M^r^ Iacob Moreland M^r^ Walter Lane M^r^ Iohn Leech Carry the said Bills to his Ex^cy^ and Councill

The house Adjournes Till Two of Clock

Eod Die the house Mett againe and were Called over

The Comittee for Elections & Priviledges Enter the house & Make Report as followes viz

The Comittee haveing before them the returne of the Writt for Election of one Delegate to Serve for Sum^r^sett County & haveing Examined & Inspected the s^d^ returne doe find and Report that Maj^r^ W^m^ Whittington is duely Elected & Chosen a Delegate to Serve for Sum^r^sett afsd & Indentures thereof Returned according to Act of Assembly in that Case made and Provided

Signed ꝑ Ord^r^
Iacob Loockerman Clk.

Ord^r^d that Maj^r^ W^m^ Whittington be Called into the house who Enters

Ord^r^d that M^r^ Iacob Loockerman & M^r^ Io^n^ Bozman informe his Ex^cy^ that their is a member Chose for Sum^r^sett County to Serve in the Roome & Stead of M^r^ ffrancis Ienkins now are of his Maj^ties^ Honble Covncill & now appeares in the house that his Ex^cy^ will be pleased to send some of his Maj^ties^ Honble

Councill to Administer the Oaths to the sd Wm Whittington who returne and say that they have deliverd their Message Original Journal.

A Bill for taking spłł Bayles in the Sevrall Countys read the first time and ordrd to be read againe to Morrow Morning.

The Honble ffrancis Ienkins Esqr one of his Majties Honble Council and Mr Wm Bladen Cłk of the Councill Enter the house and Mr Ienkins brings Back the Bills assented to this morning & Informes Mr Speaker that his Excy has Commanded him to administer the Oathes to Majr Wm Whittington

Majr Wm Whittington took the Oathes appoynted by Act of Parleamt instead of the Oaths of Allegiance & Supremiacye & Subscribed the Test & Asscociation & haveing ꝑformed the same tooke his place in this house accordingly & his Majtys Honble Councill depart

Mr Richd Tilghman Enter the house & brings into this house Sevrall Laws wch are Continued to be in force and a List p. 74 of the Same Resolved that they be sent to his Excy and Councill and that a Message be prepared therefore

By the house of Delegates Iuly 19th 1699.

May it Please yor Excy

This house haveing taken a Reveiwe of all the Laws wthin this Province have found Sevrall of them Defective and Sevrall others that were Temporary Expired & others wch were at the first makeing of them perpetuall Repealed upon wch Reveiwe this house have Resolved that these sevrall Laws a List of wch is herewth sent shall be Continued in force and these together wth such other Laws as shall be passed this Sessions shall be Demed Reputed & taken the Body of Laws for this Province and that all other Act or Acts Law or Laws whatsoever which have been made since his Majties Taking this Governmt into his Immediate Care Saving such Laws wch Either are or shall be by his most Sacred Majtie till this Time Confirmed shall & may be hereby repealed & that a Bill for repealing such Laws may be prepared therefore those Laws wch wee Desire to be Continued & Unaltered we have sent to yor Excy & Councill that if you please they may be Compared wth the originall from whence they were Transcribed haveing allready been soe Compared by this house

Signed ꝑ Ordr
Chr Gregory Cłk house Dell.

Original Journal. Ordrd that Mr Richard Tilghman & Capt Philip Hoskins Carry the said Message & Laws to his Excy & Councill who returne & say they have Deliverd theire Message

A Bill for Regulateing the Proceedings of the provll Courts read the first Time

A Bill for the Punishmt of Blasphemy ffornication & Adultery read the first Time

Majr Wm Dent Enters the house & ꝑrsents to the house some Rules for the Clk of the Inditemts to walk by in their place of the Crowne & other matters Relateing to their office

p. 75 Ordrd that Majr Wm Whittington Mr Tho: Greenfeild & Mr Iacob Moreland inspect the said Rules.

The Comittee appoynted to Consider of the building of a Prison in the Porte of Annapolis Enter the house & Report as follows.

By the Comittee appoynted to Conferr wth some of his Majties Honble Councill Concerning the building of a prison Iuly 19th 1699.

The Comittee haveing taken the ꝑemises into their Consideration It is agreed that the Prison house be built wth Stone Twenty five foot in Length in the Clear wthin & ffifteen foot in breadth & the foundation to be Laid two foott wthin the Ground & to be two foot and halfe thick to the first floore & the height of the wall to be seven foot & half to the plate & two foot thick from the Top of the sleepers to the Plate & the Sleepers for the Lower floore to be Eight inches Square & to be Laid six inches assunder & to be planckt wth two Inch Plank & the Planck to be Trunelld to the Sleepers and the vpper floore to be as the Lower floore & of the same Scantlings & to be over Ietted Six Inches on Each side & the foott of the principle Rafters to be seven & nine Inches & the Top five & half & seven Inches & the small Rafters to be five and four Inches & the sd house to be Covered wth Pine Planck & shingled above the Planck & the Lower Roome to have a partition in the Midle mad wth Timber & Planck & a Doore to be at Each End of the sd house for the two Lower Roomes to be two foot & half wide & six foot in the Clear & to be made wth two Inch Planck well Lined wth Inch Planck wth good strong hinges & and the Dore for the Vpper Roome to be at one End of the sd house and to be six foot high in the Clare & to be Two foot & half wide and the vpper Roome to be Sealed wth Inch oake Planck and the Rafters to be seventeen foott from the plate besides the foott of the Rafter & one window frame in Each Lower Roome Two foott & half high & Twenty Inches Broad wth Iron Barrs Revetted thorough & Two window frames in the vppr Roome the one at the one

End of the house & the other by the Dore & of the Same Dimensions wth Iron barrs Rivitted thorow as afsd wth Two Locks to Each Dore the one wthin the other wthout with an Iron barr Cross Each Dore Original Journal.

Signed ꝑ ord^{r}
C Lomax Clk.

The house adjourned till to Morrow Six of Clock. p. 76

Die Iovis Iuly 20th 1699.

The house mett againe and were p^{r}sent as before
Read over what was Done Yesterday

A Bill for taking Speciall Read the second time

A Bill for punishm^{t} of Blasphemy ffornication adultery read the second Time

A Bill for paym^{t} of ffees due from Criminall ꝑsons read the second Time

A Bill for somoning Grand & Petit Iuryes read the second Time

Ord^{r}d that M^{r} Benj^{a} Hall Coll Ninian Beale M^{r} Iohn Hall M^{r} Iacob Loockerman Carry the said Bills to his Ex^{cy} and Councill who returne and say they have Deliverd their Message.

The Honble Thomas Tasker Esq^{r} Enters the house and p^{r}sent the following Message

By the Councill in Assembly Iuly 20th 1699.

This Board according to desire of the house of Delegates of the 17th of Iuly Instant Ord^{r}d the Att^{ry} Gen^{ll} to Draw a Bill Concerning Mariges & P^{r}sent to the house w^{ch} is Done but noe answer given what is become of it therefore the Same is againe Recomended to your Consideration if any thing therein seem uneasye to ꝑsons intending Marriage or if any thing Bearing too hard on the people Called Quakers in regard they are found a Quiett & Civill people this Board are Content to Regulate the same as shall be advised but hold it highly necessary to take some Care to restrayne the Extravagant Growth of popary now more audacious then has been Knowne since his Maj^{tys} Governm^{t}

Signed ꝑ Ord^{r}
W Bladen Clk Council.

The Honble Coll Charles Hutchins & Rob^{t} Smith Esq^{r} Enter the house & bring back the Bills sent by M^{r} Benj^{a} Hall & others and the following Message (Viz)

Original Journal.

By the Council in Assembly Iuly 20th 1699.

Vpon Reading this Bill & Comparing it wth his Majties Royall Commission and Instructions It appears to this Board that his Majtye has reserved these fines & Ameciamts to his Royall Use for the Support of Governmt wch is Conceived very agreable to Iustice and reason Since it is Genlly disobedience to his Royall Comands tht occassions such fines wch is the p. 77 reason why this Board Cannot pass the sd bill being derogatory to his Majtys Interest & Prerogative It is not wthout Observation that in all the Bills that have been presented this Sessions these fines & forfeitures that were formerly to his Majtys Use are now applyed to ꝑticular Uses of the Country wch nevertheless for the good of the Country & Preserving that Union Begun has been past here But wee Cannot but recomend to you to have some Consideration of the ꝑrmises for the future

Signed ꝑ Ordr
W Bladen Clk Councill.

A Bill for Sherifs read the first Time

Put to the vote if the Justices of the County Cort shall ꝑsent three ꝑsons to serve as Sherif out of wch his Excy shall appoynt one or not

Caryed in the affirmative

Put to the vote if the fine for not serving as Sherif for be five or Ten pounds Ster.

Carryed for five pounds Sterl.

Put to the vote if the Clause in the Sherifs Bonds for officers ffees shall be Left out or not

Caryed in the Negative

By the house of Delegates July 20th 1699.

The Message this day sent by the honble Tho: Tasker has been here recd & Read and as to the Bill drawne by his Majtys Attry Genll for Publication of Mariages it was Considered by this house but in Reguard that the former Law for Publication of Mariages was perpetuall & sufficient It was thought Convenient to Continue the same & the new Bill was thereupon voted out

Signed ꝑ Ordr
Chr Gregory Clk house Dell.

By the house of Delegates Iuly 20th 1699.

The Message this day sent by the Honble Charles Hutchins & Robt Smith Esqrs has been read and this house humbly prays that for what mistakes have been made in the application of such fines & forfeitures as have been applyed otherwise then his Maj^{tys} Royall Commission or Instructions directs that yo^{r} Ex^{cy} will put a favourable Construction upon them for that they were misapplyed through misunderstanding of them & not otherwise and for the future shall be prevented and we are soe farr from taking yo^{r} Ex^{cys} admonition amiss th^{t} we returne you our hearty thanks for the same Original Journal.

Signed ꝑ Ord^{r}
Chr Gregory Clk house Dell.

Ord^{r}d that Do^{r} Jacob Loockerman & Maj^{r} Walter Smith Carry the said Message to his Ex^{cy} & Councill who returne and say they have dd the same.

A Bill for Tunage & asscertaining navall officers fees read the first Time.

A Bill for preventing Vexatious & Vnnecessary suits at Law p. 78
read the first Time

The house adjournes till two of Clock

Eod Die the house mett againe & were Called over

A Bill for taking speciall Bayle in the Sev^{r}all County read the second Time

A Bill for Preventing Vexatious & vnnecessary suits at Lawe read the second Time

A Bill for Tunage & asscertaining Navall officers fees read the second Time

A Bill for Sherifs read the second Time

Ord^{r}d that Maj^{r} Tho: Ennalls M^{r} Iohn Hall M^{r} Iacob Moreland M^{r} Bej^{a} Hall M^{r} George Ashman M^{r} Elisha Hall Carry the said Bills to his Ex^{cy} and Councill who returne & say they have Deliverd the same

The Honble Tho: Tench Esq^{r} and Maj^{r} Io^{n} Hammond Enter the house and Returne the Bills sent by M^{r} Ennalls & others

A Bill for punishm^{t} of Privateers & pyrates Read Twice

A Bill for Enrollment of Conveyances Read Twice

A Bill for Constables taking the List of Taxables Read Twice.

Ord^{r}d that M^{r} Walter Smith M^{r} W^{m} Whittington M^{r} Iames Philips and M^{r} Tho: Hicks Carry the said Bills to his Ex^{cy} and Councill who returne and say they have Deliverd the Same.

A Bill for Encouragem^{t} of ꝑsons that will vndertake to build water mills read twice

A Bill for secureing Parochiall Libarys Read Twice.

A Bill for Recording the Laws & Journalls of Assembly Read Twice

Original Journal.

A Bill for secureing M^{r}chts and others Tobacco after recd read Twice

Ord^{r}d that M^{r} W^{m} Harris M^{r} George Ashman M^{r} Walter Cambell M^{r} Lowe Carry the said Bills to his Ex^{cy} & Councill who returne and say they have Delverd the Same.

The Honble Tho: Tasker & M^{r} ffrancis Ienkins Enter the house and returne the Bills sent by Maj^{r} Smith & others w^{ch} pasd for Engrossing

A Bill for Settling officers fees read the first Time

A Bill for Granting adm^{r}ons &c Read the first Time

A Bill for Regulateing the Militia Read the first Time

The house adjournes till to morrow Six of Clock

Die Veneris Iuly 21st 1699

The house mett and were Called over

Read over what was done Yesterday

A Bill for Leavying a fine on Maj^{r} Edw^{d} Dorsey & others Read the first Time

A Bill for Selling officers ffees Read the second Time.

A Bill for Granting adm^{r}ons Read the second Time.

p. 79 Put to the Vote if the fee in the Bill for settling officers fees due To the Clk of the Councill for Every private Bill shall be one hundred or Two hundred Carryed for one hundred

Resolved that the Clk of the Councill shall have for a fee for Every privat Bill one hundred pounds of Tob^{a} & the Clk of the house of Delegates shall have one hundred pounds of Tob^{a} for Every private Bill

Ord^{r}d that Maj^{r} Tho: Ennalls Coll Iohn Thompson M^{r} Iacob Moreland M^{r} Walter Smith M^{r} Elisha Hall & Coll Ninian Beale Carry the Two Bills Twice Read to his Ex^{cy} and Council who Returne and say have Deliverd theire Message.

A Bill for Speedy Tryall of Criminalls Read the second Time.

A Bill for the Benefitt of his Maj^{tys} Subjects where the Laws of this Province are defective Read the Second Time

A Bill Relateing to Serv^{ts} & Slaves Read the second Time

A Bill for Sherifs Read the third Time and assented to.

A Bill for secureing the frontiers of this Province read the third Time & Assented to.

A Bill Prohibitting Carying Liquors to the Indian Townes read the third time & assented to

A Bill for sommoning Grand & Petit Juryes read the third Time and assented To.

A Bill for Spll Bayle Read the third Time and assented to.

A Bill for Constables taking the List of Taxables read the Third Time & assented to

A Bill for Recording the Laws & Iournalls in the Sec^rys^ office read the third Time and assented to. **Original Journal.**

Ord^r^d that M^r^ Thos: Ennalls M^r^ Sam^ll^ Collins M^r^ Elisha Hall & M^r^ Io^n^ Carvill Carry the sd Bills to his Ex^cy^ & Councill who returne and say they have dd the same

The Honble Tho: Tench Esq^r^ & James ffrisby Esq^r^ Enter the house and bring Back the Bills sent this morning by M^r^ Ennalls & others which haveing Past

Put to the Vote if men Serv^ts^ after the Expiration of their time of servitude shall be allowed three Barrells of Indian Corne or a Gun of Twenty shillings price

Carryed by the Majority of Voices th^t^ every such man Serv^t^ be paid at the Expiration of his Time of Servitude for and in Leiw of the said three Barrells of Corne one Good Gun

The Comittee of Elections & Priviledges Enter the house and Report as follows

By the Comittee of Elections &c Iuly 21^st^ 1699.

The Comittee haveing recd the returne of the Sherif of S^t^ Maryes County the Writt for Election of one Delegate to serve for the said County & Likewise have heard Complaints of the Delegates & some of the Inhabitants of the said County that there was an Election of John Nutwell & that the sd Election was made at a remote place from the County Court house a p. 80 place of noe resort but a neck of Land all together out of the way & that many of the Electors in the Indenture named are not Quallified by Law to make such Ellection & Likewise it is persumed that there was not a Court there held for Keeping the Kings Peace for that at the same Time there was fighting and Riotous accōns Committed that the people of the County could not have there votes free as of their Complaints wee have received the members of the said County & some other Inhabitants of the same being not able at P^r^sent to Informe the Truth hereof doe pray that such proofes may be suspended till the next assembly. And we the said Comittee being Tender of our Priviledge doe on behalf of the sd Dellegates and Inhabitants of the s^d^ Covnty pray that the whole Matter herein Contained may be further Enquired into by the next Gen^ll^ assembly and that the truth may be fully inquired into Publick notice may be Given the Inhabitants of the said County that they may then be heard all w^ch^ wee referr to the Consideration of the house of Dellegates

Signed ꝑ Ord^r^
Iacob Loockerman

Original Journal.

The house adjourned till Two of Clock.

Eod Die the house mett & were Called over.

Resolved that Capt Richd Hill Mr Ion Worthington Mr Iames Saunders Mr Walter Smith and Mr Wm Hutchinsson be appoynted a Comittee to Consider of the building of a Church

A Bill for secureing Mrchts & others Tobs after recd read the third Time

A Bill for secureing the Parochiall Librarys read the third Time

A Bill for Regulateing Ordrys &c Read the third Time

A Bill agt Blasphemy ffornication & adultery &c read the third Time

A Bill for Recovering the arears due from the Publick officers read the 3d Time

A Bill for paymt of fees Due from Crimminall ꝑsons read the third Time

A Bill for Preventing vexatious & vnnecessary suits at Law read the third Time

Ordrd that Majr Walter Smith Mr Tho: Greenfeild Mr Iohn Whittington Mr Samll Collins carry the said Bills to his Excy & Councill

The Message by the Honble Robt Smith & Tho Tasker Esqrs Enter the house and Bring Back the Bills sent by Coll Ennalls and others.

A Bill for Leavying the fines on Majr Dorsey & others read the second Time

A Bill for Servts & Slaves read the Second Time.

p. 81 Put to the Vote if the Clause for prohibitting the Cutting off the nose or Ears of negroes shall be left out or not & Carryed in the affirmative.

Ordrd that Majr Iohn Lowe Mr Iohn Hall Mr Iacob Loockerman and Majr Thomas Smith Carry the said Bills to his Excy & Councill

By the house of Dellegates Iuly 21st 1699

It falling under the Consideration of this house the Carrying on the building of a Church wthin this Port and Towne Humbly prays the advice of yor Excy and his Majtys Honble Councill in whose hands the fund raised for the building the Church was Lodged

Ordrd that Majr Wm Whittington & Mr Philip Briscoe Carry the sd Message to his Excy and Councill who returne & say they have deliverd their Message

The Honble Thomas Tench Esq^r Thomas Brookes Esq^r Coll Iohn Courts & M^r Iames ffrisby Enter the house & p^r sent the following Message and bring Back the Bills Last sent Original Journal.

By the Councill in Assembly Iuly the 21^st 1699.

Wee have Considered the Catalouge of Laws Laid before us & advised to be Continued in their native dress & approved very well of the Care and wisdome theirin yet as Every Gen^ll Rule may admitt of some Exception soe on this occassion wee thinke it becomeing us to Recommend to you M^r Rob^t Blackiston & M^r Rob^t ffinley a Gent that hath Constantly attended his Maj^tys Service in Ireland & fflanders from the Begining to the End of the Late warrs & now Came here w^th his Ex^cy th^t they may by some Publick ordinance or otherwise be allowed to hold any Imploym^t or office they or Either of them shall be found Capable off nowithstanding the Bill in favour of natives Wee beleive it very agreeable w^th our Duty & affection to his Maj^tie and our native Country to Lett such instance therefore fall upon these have soe signally attended the Service of Both Especially in such ꝑticulars as this w^ch Cannot have any Inflewance to Impead the Gen^ll drifft of that Lawe but may doe them Good & the Country noe harm

Signed ꝑ Ord^r
W Bladen Clk Councill

Proposed by the Comittee of Laws that a Gratuity of Two hundred & ffifty pounds be P^r sented to his Ex^cy w^ch was agreed on Nemine Contradicente.

Resolved that a message be prepared to be sent his Ex^cy to acquaint him thereof & pray his Ex^cys Excuse that the same be not paid untill the Spring p. 82

By the house of Delegates July 21^st 1699.

May it please yo^r Ex^cy.

Yo^r Ex^cys Signall and repeated fauours still norrishes the hopes of our future Happyness under yo^r Ex^cys Good Governm^t w^ch wee Can doe noe Less then make an acknowledgem^t of Suitable to our weake abillityes wherefore wee make this our humble offring of Two hundred & ffifty pounds Sterl: But because in Most Countyes there is Two years Leaveys to be paid wee would willingly therefore Discharge the whole publick Leauy by the p^r sent Stock and therefore Desire yo^r Ex^cy not to take it amiss if wee Cannot reasonably pay that

Original Journal. 250^l till the fall at w^{ch} time yo^r Ex^{cy} may have our Humble offring paid by Bills or Ready money as may be most acceptable

Signed ꝑ Ord^r
Chr. Gregory Clk house Dell:

Ord^{r}d that Cap^t Richard Hill & the Comittee of Laws Carry the s^d Message to his Ex^{cy} & Councill who returne & say that they have Delverd the Same.

Gent:

You have now Gone through the Reviseing of the Laws but I find there is one Either Willingly Overseen or neglected w^{ch} is for punishing of Reporters of false news &c If you have dropped it designedly I am Concerned you would not be soe familiar as to give me an Intimation it was not agreeable to you for I never was yet in any Corner of the world but I know how to Right my Selfe & I am as Little fond of Keeping it on foott as it seemes Gratefull to you to dropp it for when you Know me better you will find me Ever very ready to take oft any oppression you shall in the Least Seeme to be uneasye under I am

Yo^r Humble S^{r}vant
N Blakiston

By the house of Delegates Iuly 21st 1699.

May it Please yo^r Ex^{cy} the Message by the Honble Thos Tench & Thos Tasker Esq^{rs} in relation to the Act ag^t p. 83 Divulgers of false news was recd read & Considerd & wee are sorry a message was not sent to yo^r Ex^{cy} Conserning of our desires of haveing that Act repealed Because of its Great Latitude w^{ch} made it very Lyable to be abused of w^{ch} wee Knowe Sev^{r}all Examples wee Cannot remember what diverted such message w^{ch} was Intended to be sent But we are assured yo^r Ex^{cy} is soe well Beloved & Hono^{r}ed that you will never need any such Act to Guard yo^r Hon^r & Reputation It was not any disrespect to yo^r Ex^{cy} nor our Less Esteem of yo^r Ex^{cy} then of another Made us doe it But wee Ingeniously Confess that wee thought yo^r Ex^{cy} would Reckon yo^{r}self soe Intirely posest of our hearty affections & therefore soe secure Ever from unworthy Conceptions of yo^r Ex^{cy} that you would have noe Reluctancye to have that unhappy act repealed w^{ch} wee Humbly desire may soe be

Signed ꝑ Ord^r
Chr Gregory Clk house Dell.

Ord^{r}d that M^{r} W^{m} Harris & Maj^{r} W^{m} Whittington Carry the s^{d} Message to his Ex^{cy} and Councill who returne and say that they have deliverd the same Original Journal.

Read over the Journall of the Comittee of Acc^{tts} & Assented to by this house

Ord^{r}d that Maj^{r} Thos. Smith & Cap^{t} Philip Hoskins Carry the same to his Ex^{cy} and Councill who returne & say they have Deliverd the Same

The Honble Thomas Tench & ffrancis Jenkins Esq^{rs} Enter the house and p^{r}sent the following Message (Viz

By the Gov^{r} & Councill in Assembly
July 21st 1699.

Upon Referrence had by this board to the Journall of the Comittee Last Sessions for Stateing the Revenue you will find the money Lodged in his Ex^{cy} Coll Nicholsons hands Late Gou^{r} here w^{ch} wee Suppose ready on all occassions

Signed ꝑ Ord^{r}
W Bladen Cłk Councill.

By his Ex^{cy} the Gov^{r} & Councill in Assembly
July the 21st 1699.

The houses Message by M^{r} Harris & Maj^{r} Whittington being read at the Board & Considered wee are willing the Law defined should be repealed

Signed ꝑ Ord^{r}
W Bladen Cłk Councill

By the Councill in Assembly July 21st 1699. p. 84

Gent. Yo^{r} Message by Cap^{t} Hill & others has been read & Considered and as to yo^{r} acknowledgem^{t} to his Ex^{cy} wee agree therewth he will returne you answer in due time

As to yo^{r} proposall of applying all the money in Banck to defray the Publick Leavy wee Can by noe means advise it Considering the ꝑsent vnsertainty of the Indians Resolution or what their designes may be & the necessaty of Keeping some Visible force for the Defence of the frontiers besides what accidents or Emergencyes may happen at ꝑ^{r}sent unknowne

Therefore this Board advise that 800^{l} of the same money be reserved in Banck for the Publick use vpon any Emergencye

Original Journal. & the Remainder applyed to defray the Publick Leavy as Proposed to w^ch^ this board will assent

Signed ꝑ Ord^r^
W Bladen Clk Councill.

A Bill for asscertaining the Laws of this province read the first Time

The house adjournes till to Morrow Six of Clock

Die Saturni July 22^d^ 1699

The house mett againe & were Called Over

A Bill for asscertaining the Laws of this Province read the second Time

A Bill for the building a Church at Annapolis Read Twice

Ord^r^d that M^r^ Walter Smith M^r^ Thos Staley M^r^ Thos Hicks & M^r^ Iacob Moreland Carry the s^d^ Bills to his Ex^cy^ & Councill who returne & say they have deliverd theire Message

The Honble Coll Io^n^ Courts & Thos Brookes Esq^r^ Enter the house and ꝑ^r^sent the following message.

Gent I did yesterday move his Maj^tys^ Honble Councill in favour of M^r^ ffinley one who for his faithfull Service was Recomended to me by a ꝑson of Great worth & Hon^r^ at home upon w^ch^ the Councill was pleased to Recomend the same to you & theirin to Include my Bro^r^ allsoe for w^ch^ I am obliged to them But least you should Misunderstand the Councills Intentions from the Generallity of the words I send this to Explaine my meaning & Intentions th^t^ is not to Employ either of them in any Eminent or Judiciall Employm^t^ but th^t^ if Oppertunity should offer w^th^out prejudice to other I might put them into some Small Employ that may gaine them a Competencye of Living

N Blakiston

A Bill for Serv^ts^ & Slaves Read the third Time & assented to.

A Bill for adm^t^on of Iustice in Probatt of Wills read the third time & assented to

A Bill for Enrollment of Conveyances read the third Time & Assented to -

By the house of Delegates July 22^d^ 1699.

May it please yo^r^ Ex^cy^

The Message by the Honble Thos Tench & ffrancis Jenkins Esq^r^ about the Stopping 800^l^ as a fund was read & p. 85

Considered & we Humbly offer to yo^r Ex^cy th^t the good affections of his Maj^tys Subjects here & theire good inclinations to his Maj^tys Service at all times & Singular Loue to yo^r Ex^cys ꝑ^rson is (by the Blessing of god) a sure fund for yo^r Ex^cy to Trust to our harts & Purses will be allwayes open when wee see the moneys raised applyed w^th out opposition to the Designed uses wee have made provission for a Constant Supplye of Money wee may dayly Expect our stock to Increase if the Publick Leavy be not very small the Generall Leavys will be very Great in the Countys a fund is never wanting soe Long as wee have willing harts Therefore w^th Humble Submission to yo^r Ex^cys Commands Wee once more make our adresses th^t all the money may be applyed to the Defraying of this Leavy at Ten shill ꝑ Cent for Tobacco It will saue a Round sum in the Sheriffs Sallary and the Charge of apportioning the Leavy in a Great measure

Original Journal.

Signed ꝑ Ord^r
Chr Gregory Clk house Dell.

Ord^rd that M^r Simon Wilmore M^r James Philips & M^r Thos Ennalls Carry the afsd three Bills & Message to his Ex^cy & Councill who returne and say they have deliverd the same.

By the house of Dellegates July 22^d 1699.

Resolved that Cap^t Rich^d Hill w^th all Convenient speed build & furnish w^th in the Port of Annapolis & on such Ground as his Ex^cy the Gov^r shall appoynt a Prison according to the Dimensions of the report of the Committee appoynted to Consider the building thereof & to be paid for the same soe much as he shall reasonabley deserve to be adjudged by the Gen^ll Assembly of this Province out of the Publick Revenue of the same if yo^r Ex^cy & Councill shall Concurr therewith

Signed ꝑ Ord^r
Eod Die Chr Gregory Clk house Dell.

Assented to by his Ex^cy the Gov^r and Councill.
W Bladen Clk Councill.

Ord^rd that Maj^r Thos Ennalls & Coll Io^n Thompson Carry the said Message who returne & say they dd the same.

By the house of Dellegates July 22^d 1699.

In testimonye of the good Service done to his Maj^ty & of our Sincere affections to yo^r Ex^cy & of the Intire Confidence

Original Journal we have in yo^r^ Ex^cy^ th^t^ the act for Encouragem^t^ of Learning & Advancem^t^ of the natives of this Province shall not hereafter be prostitute to violation wee freely and Cheerfully p. 86 Grant all th^t^ yo^r^ Ex^cy^ herein required both in Hon^r^ to yo^r^ Ex^cy^ and Respect to those worthy ꝑsons & what further assurance is Required to be put on our Journall direct to be made & we will doe it

Signed ꝑ Ord^r^
Chr Gregory Clk house Dell.

Ord^r^ that Cap^t^ Philip Hoskins & M^r^ Rich^d^ Tilghman Carry the s^d^ Bills to his Ex^cy^ and Councill who returne and say they dd theire Message.

The Honble Thos Tench & Thomas Brookes Esq^rs^ Enter the house & Bring back the Bills sent this morning & these following Messages Viz.

By the Gov^r^ and Councill in Assembly
Iuly 22^d^ 1699.

Gent:

Yo^r^ Message by M^r^ Simon Willmore and others has been read & Considered at this Board & allthough you seeme vnsatifyed notwithstanding all the Concessions of his Ex^cy^ & this Board more than Ever was Known and yo^r^ returneing all the offers made from hence w^th^ Refusall Especially the Bill for Mariages after Reasons Given yet wee have againe at yo^r^ repeated Instances taken the matter into Consideration & Intending if possiable to Gratifye yo^r^ desires have resolved

1: That if the money proposed his Ex^cy^ may be Immediately paid & not delayd as you Propound

2: That if theire be Power Left w^th^ his Ex^cy^ & Councill w^th^ the Comittee to raise money or Tobb: in Case of any Emergencye to defray all Charges thereof

Then we Consent th^t^ all the money in Banck may be applyed to defray the Publick Charge w^ch^ notwithstanding we Cannot advise to as proper or for the Countrys Good.

Signed ꝑ Ord^r^ W Bladen Clk Councill

Gent:

I receive a satisfaction in yo^r^ Donation more ꝑticularly it being a Confirmation of yo^r^ good opinion of me & I am not w^th^out Hopes but this will Turne to a good acco^tt^ of the Province as well as the rest of what you have done this sessions of Assembly for w^ch^ I will Endeavour yo^r^ acknowledgm^ts^ shall be returned w^th^ Interest in serving the Country Treble what you now have favourd me wth if you will give your Selfe the Trouble to Looke into yor acctts you will find Little Charge has accrewed to the Country since my arivall by frequent meettings & I designe to Continue it soe I shall allways be just to what I have sevrall Times since the meetting of this assembly Given under my hand of my ꝑticular reguard to the good of this Province & if the Respects you have aimed me be any Oppression or Difficulty to the Country I would by noe means have you Straine yor Generosity beyond yor abilityes and the more be Cause you seeme to be Concerned for want of a Better ffund. Original Journal.

Gent this Leads me to acquaint you that my usage in this place I mean at Annapolis has not been wth the Respects of a Common Constable in England besides the Slender Conveniencies p. 87 of Life are not to be had but at much dearer rates then Elsewhere If I were not very sensible I could serve his Majty as well in other parts of this Province as here my resolutions should be to Continue though wth the greatest difficulty I never was yet in the meanest of his Majtyes Governmts abroad but their is a house allways Provided for his Govr & other necessarys are not to be had here but upon such Extravagant termes as you are all sensible of and if you advise my staye here I hope you will in some measure support it I am far from being unreasonable in my Expectations & what Ever Encouragement you shall minute me on yor Journall for my stay here I have the vanity to believe will be saved to you in my Endeavours otherwayes Gent I mett you wth a great Deale of Satisfaction & I hope we shall allways part soe when Ever it pleases god we shall meett & as for myself I shall Ever remember the Reciprocall promises wee Engaged on both sides under our hands for I am Gent. Yor Humble Servant

July 22d 1699. N Blakiston

By the house of Dellegates Iuly 22d 1699.

The Message by the Honble Thos Tench & Thos Brookes Esqrs has been here recd and read in answer to the Message by Mr Simon Willmore & others

1: Resolved that the money proposed to his Excy shall be Immediately paid as proposed out of the Treasury one hundrd pounds Sterl out of the hands of the Treasurer on the Easterne Shore & one hundrd & fifty pounds out of the hands of the Treasurer on the Western Shore.

2: To the second thing proposed we Humbly offer tht the Act for regulateing the Militia of this Province Power is Given

Original Journal. to the Govr to raise ffifty Thousand pounds of Tobacco for the Defraying any Emergent Occassion wch should happen & further by an Act made ths ꝑrsent Sessions Entituled an Act for secureing the frontiers &c authority is Given to the Comittee therein appoynted to aduise and Concert such measures as will Suppress any violence wch may be offered to this Province by the Indians after the breaking vp of this ꝑrsent Sessions wch two Acts are thought Sufficient to Supplye what is proposed & we Humbly Conceiue that if the Publick Leavy be soe Defrayed out of the Publick Stock nothing would Conduce more to the Honr of his Excy & Genll Assembly & the Great Satisfaction of the Province in Genll it being a matter never before done in this Province

Signed ꝑ Ordr
Chr Gregory Clk house Dell:

p. 88 Ord'd Mr Iames Saunders & Mr Thos Staley Carry the sd message to his Excy and Councill who returne and say they haue dd the same

By the house of Dellegates Iuly 22d 1699:

May it Please yor Excy.

The small Donation wee have made to yor Excy we Grant was proportioned to our ꝑsent Circumstances not to yor deserts nor our Inclinations wee are Glad to have it accepted

Wee acknowledge that since yor Excys arivall our Charge has been small and yor Govrnmt Light & hope by yor Excys good Conduct civill affaires are now soe Establisht that they may Continue soe that restraint of our Liberallity wch yor Excy seemes to hint at wee hope to Improue to yor Excys Honr and and future Benefitt and Satisfaction by firmly Engageing the affections of the people to yor Service

Wee are sorry yor Excy found such Difficultyes & scarcety of Provisions here at yor first arivall

It is to be Considered that the Scarcity was Genll every one had much adoe to provide for themselfs and that wee suppose restrained the Countrys usuall Civillity and Supplyes & that Greater plenty will succeed. yor Excy may please to Consider that this Province has but very Lately been Received into his Majtyes Immediate Protection & hithertoe things scarce reduced to or fixed in a Certainty & therefore may be Excused if wee are not soe well provided of a house for a Govr as those that from the begining were soe but as wee have formerly Considered others in respect of a house we will give you noe occassion to think you are less in our Esteeme then any predecessor nor shall our Especiall Desires to have our money at this Time disposed as assented to be a president for restrayning the Larger Testimonys of our good affection when Just Circumstances will admitt. wee referr itt to yor Excys owne discretion to Live at Annapolis or Elsewhere Original Journal.

Signed on behalf of the house of Delegates
Thomas Smithson Speaker.

The Honble Thos Tasker and ffrancis Ienkins Enter the house & bring Back the sev'all Bills assented to by this house assented to by his Majtys Honble Councill

The Honble Coll Charles Hutchins & Mr ffrancis Ienkins Enter the house & Prsent the following Message viz

By the Councill in Assembly July 22d 1699.

In Answer to the Last Message by Mr Saunders & Mr Staley p. 89
this board say that if you will Ordaine and Declare on the Journall that if the said Comittee wth the Govr and Councill see it necessary to disburse any money In defence of the Province they may have Power to draw the same out of the Publick Treasury and that Treasurer shall answer the same if in their hands the Act not being soe Clear in that poynt this board doe assent

Signed ꝑ Ordr
W Bladen Clk Coun.

This house doe Concurr therewith & ordayne & declear that the said Comittee wth the Govr and Councill have Power to disburse any money for the Defence of this Province & to Drawe the same out of the Publick Treasury & that the Treasurers shall answer the Same

Chr Gregory Clk house Dell.

By the Councill in Assembly July 22d 1699.

In reguard it is Ordained by the Assembly that the Chancellor Keeper of the Great Seale for the Time being shall have such reward for the Transcribeing Every body of Laws for the use of the County Courts as the Assembly in wch such Laws are made shall appoynt It is Recommended to you to propound what shall be Allowed for the Prsent body of Laws and you are Desired to Consider the Bulk of these and to proportion the Allowance accordingly

Signed ꝑ Ordr
W Bladen Clk Councill.

Original Journal. By the house of Delegates July 22^d^ 1699

The Message by the Honble Coll Charles Hutchins & Mr ffrancis Ienkins in relation for the Transcribing the ꝑsent body of Laws for the use of the County Courts It is Humbly proposed to allow for the writting of the Coppys for the Sevrall Countys and such Coppys as yor Excy shall send for England the sume of one hundred and Twenty pounds Sterl to be paid out of the publick treasury

Signed ꝑ Ordr
Chr Gregory.

Ordr that Mr Wm Harris & Mr Iohn Hall Carry the said Message to his Excy & Councill who returne and say they have Deliverd theire Message

p. 90 Which said Message was returned & Endorsed viz assented to by the Councill

W Bladen Clk Councill

The honble Iohn Hammond and ffrancis Jenkins Esqr Enter the house and bring Back the Journall of the Comittee of Accotts and the following Message

By his Excy the Govr and Councill in Assembly
Iuly 22d 1699.

It is recomended to the house before they break up to appoynt some ꝑsons nearest to this place to draw the Sevrall Ordrs on the Publick Treasurers to pay the money allowed this Sessions to the Sevrall Members of the Genll Assembly and others

Signed ꝑ Ordr
W Bladen Clk Councill.

The house Adjourned till two of Clock.

Eod Die the house mett and were Called over.

A Bill for the speedy tryall of Criminalls read the third Time & assented to.

A Bill for Imposeing a fine on Majr Dorsey & others read the 3 time & Assented to

A Bill asscertaining the Laws of this Province read the 3d time & assented to

A Bill for Ordering & Regulateing the Militia read the 3d time & assented to

A Bill for the Puninshmt of Privateers read the 3d time & assented to. Original Journal.

A Bill for asscertaining officers ffees read the 3d time & assented to

A Bill appoynting ꝑsons to Treat wth workmen to build the Church read third time and assented to.

By the house of Dellegates Iuly 22d 1699.

The house have thought Convenient to Make Choyce of Capt Richard Hill Mr Samll Young & Capt Iohn Worthington as a Comittee to Joyne wth such of his Majtys Honble Councill as yor Excy shall be pleased to appoynt to Settle the Accotts of the sevrall ꝑsons allowed in Tobacco in the Journall of the Comittee of accotts at the rate of Ten Shillings ꝑ Cent and to Draw notes for the payment of the same on the Sevrall treasurers of this Province if yor Excy and the Honble Councill shall Concurr therewith and if yor Excy will be pleased to appoynt some of his Majtyes Councill that you will please to nominate them that theire names may be included in the Bill

Signed ꝑ Ordr
Chr Gregory Cłk house Dell.

Ordr that Mr Symon Willmore and Mr Walter Cambell Carry the said message to his Excy and Councill who returne and say they have Deliverd their Message p. 91

The honble Coll Iohn Courts brings back the Laws that are Continued

The honble Majr Iohn Hammond brings back the Last message sent by Mr Wilmore and Mr Cambell Endorsed viz

Majr Iohn Hammond by his Excy and Councill as being near adjacent

Signed ꝑ Ordr
W Bladen Cłk Councill.

Gent

Herewith I send a Coppy of the Pattent of the Honble Wm Blathwayt Esqr Auditer Genll of the Plantations who is a ꝑson of Great worth and Honr and able to doe you many good offices in the Station he stands and for his Great Trouble and Care in that Imploymt has Generally a Sallary from most or all the Plantations Except this place Its therefore Recommended to yor Consideration to make him some yearly allowance of Sallery whereby you will make him yor ffriend and I am Confident thereby doe yor Self a Signall peice of Service

July 22d 1699. N. Blakiston

A Bill for paymt of the publick Charge of this province Read Twice

Original Journal. Ordrd that Coll Ion Thompson and Mr Michaell Miller Carry the said Bill to his Excy and Councill who returne and say they have dd the same.

By the house of Dellegates Iuly 22d 1699.

The Message this day sent in relation to the Honble Wm Blathwayt Esqr has bee read and Considered and we humbly pray to be Excused at this time for Settling any anuall Sallary or allowance on the sd Wm Blathwayt Esqr

Signed ꝑ Ordr Chr. Gregory Clk house of Dell.

Ordrd that Dr Iacob Loockerman Carry the said Message to his Excy and Councill who returne & say they have Deliverd the same

The honble Coll Ion Courts & Mr Thos Brookes bring Back the Sevrall Bills assented to by this house Endorsed assented to by his Majtys Honble Council

Read the following address to his Majtye

p. 92 To the Kings most Excellent Majestye &c.

Maryland

The Humble and Loyall address of yor Majtyes most Dutyfull and Loyall Subjects the Burgesses Delegates and Representatiues of the Sevrall Countyes of your Majtyes Province of Maryland now Conveened in a Genll Assembly of the said Province under your Majtes Govr and Capt Genll of this Province his Excy Nathaniell Blakistone Esqr

May it please yor Majtye

Wee yor Majtyes Most Dutifull and Loyall Subjects the Delegates & Representatives of the Sevrall Countyes in this yor Majtyes Province of Maryland doe in most Humble Mannor make our addresses to yor Majty on the behalf of many Gent Mrchts & others by us Represented who Cannot avoyd utter & Irrecoverable Ruine Except yor Majtyes Royall Clemencey prevent it the Case may It please yor Majtye is this that many masters of Shipps formerly tradeing into this Province did not give Bond in England but Comeing hither the Masters of such Uessells have Drawne many of the good Inhabitants of this Province to be come theire Securityes that they should Deliver their Tobacco or other Commodityes as Act of Navigation Requires yet such Dishonest & Ungratefull Masters Neglecting theire Duty to yor Majtye & theire Promise to their friends not ꝑforming the Conditions of their Bonds or Careless to returne Certificates their Bonds became fforfeitt and their security here found after Iudgm^{t} was Given ag^{t} them wthout Remedye are Lyable to Execution. Original Journal.

Dread Sovereigne

Though wee Cannot but acknowledge it Iust & Righteous that it should be soe, Yet thus much Wee Humbly offer to yo^{r} Maj^{ty} that though Judgem^{ts} be Given ag^{t} many Obligors because Certificate after a long time appear not yet theire are Strong presumptions that many Certificates have been Returned & now Lost & wee allwayes Believe yo^{r} Maj^{tyes} Clemencye such as rather to Pardone Two Guilty then Punish one Innocent Wee therefore haveing hithertoe had noe answer to our Humble address once more Implore yo^{r} Maj^{tye} to Extend yo^{r} Royall Mercey to such our neighbours under these said Circumstances most of whome wee Really beleive to be Innocently seduced wthout any artifice or Designe of Advantage to [themselves] many of them are fathers of numerous & Riseing ffamilyes w^{ch} may hereafter become very serviceable to yo^{r} Maj^{tye} and the maintainors of Good ancient hospitallity the Improuement of whose Estates will demonstrably in Two or three years bring more Proffitt to yo^{r} Maj^{tye} in your Revenues & Customes then theire whole Estates Seized at once the Callamity is too Gen^{ll} the fforfeitures Great & will make a totall Desolation in many Growing houses in this Infant Country Except yo^{r} Maj^{tye} Extend that Gracious favour which wee Humbly Implore in such manner as to yo^{r} Maj^{tye} shall seeme meett in behalfe of our friends and Neighbours. p. 93

Which Address being Read was Signed by M^{r} Speaker and the Sev^{r}all Members.

Resolved that the said Address be Lodged wth the Clk of this house and to be Deliverd to such ꝑson or ꝑsons that will undertake to have the same P^{r}sented to his Maj^{tye}

Whereupon M^{r} Mich^{l} Miller one of the members of this house undertooke the same & the said address was accordingly Deliverd unto him

A Bill for the Paym^{t} of the Publick Charge Read the 3^{d} time & Assented to

Ord^{r}d that Coll Iohn Thompson & M^{r} Philip Hoskins Carry the same to his Ex^{cy} & Councill who returne and say they have Delivered the same.

The Honble Thos Tench and Charles Hutchins Esq^{rs} Enter the house & Bring back the bill sent by Coll Thompson assented to by the Councill p. 94

Original Journal. Ord^rd that M^r Sam^l Young M^r Mich^l Miller M^r Walter Cambell and M^r Walter Lane Goe and Informe his Ex^cy that their is not any further business Lyes before this house.

Voted that an Humble address be Drawne to his Maj^ty for to Returne him Humble thanks for his Care in sending us his ꝑsent Ex^cy Nathaniell Blackistone Gov^r to Rule over us & that M^r Speaker Signe the same on behalf of the whole house

Maj^r W^m Dent his Maj^tyes Att^ry Gen^ll Enter the house and Informes M^r Speaker that his Ex^cy Commands him and the whole house to attend him at the Councill Chamber to Compleate this Sessions of Assembly

M^r Speaker and the house goe to the Councill Chambers att the Councill Chamber

M^r Speaker P^rsented to his Ex^cy the Severall Bills made this Sessions as allsoe the Sev^rall Laws w^ch were Continued in force being newly Transcribed to w^ch his Ex^cy was Pleased to Give his assent thereto by Endorsing the same w^th these words (Viz)

July 22^d 1699

On the Behalfe of his most Sacred Maj^tye King William the third by the Grace of God of England Scotland ffrance and Ireland &c I will these to be Laws.

N Blakiston

Which being Done his Ex^cy was Pleased to Seale the same with the Broad Seale of this Province w^ch Laws being soe Signed and Sealed his Ex^cy was Pleased to acquaint this house that he thought it Convenient for his Maj^tyes Service to Prorouge them untill the Twenty Eighth day of October next and that they were thereby accordingly Prorouged.

And Soe Ended this Sessions of Assembly

Chr. Gregory Clk house Dell:

ACTS.

At a Session of Assembly, begun and held at the Town Lib. L. L.
and Port of Annapolis, on the 28th Day of June in the 11th p. 175
year of the Reign of our sovereign Lord William the third, by the Grace of God, of England, Scotland, France and Ireland, King Defender of the Faith &ca Annoq Domini 1699, and ended the 22d Day of July following

Nathaniel Blackiston Esqr Governor

The following Laws were enacted.

An Act Impowering Benjamin Williams Administrator de bonis non Administratis of Joseph Willms Late of Baltemore County Deceased to sell a Certein Tract of Land in Cecill County on Sasafrax River late the Land of sd Joseph Williams Called by the name of Tibaulds and Conteining about three hundred Acres for the payment of his debts Pursuant to the Will of the said Joseph

Whereas Joseph Williams late of Baltemore County decd by his Last Will and Testament in Writeing bearing Date the fourth day of September 1692 and Registred in the Comissary Generalls Office of this Province did order and direct that a Certein Tract of Land in Cecill County on Sasafrax River Called Tibaulds Conteining three hundred Acres and to him belonging should be sold for the payment of his Debts but dos not in the said Will Impower any particular person or persons to do the same whereby the good honest Conscientious Intentions of the said Joseph in Relation to his Creditors are frustrated and forasmuch as since the Death of the said Joseph Edith his Relict and Executrix is Dead and Administracōn de bonis non Administratis of his Estate Granted unto Benjamin Williams his brother who in all probability is the fittest person to be Empowered to make Sale of the said Land pursuant to the Intent of the said Testator for the payment of his debts Be it therefore Enacted by the Kings most Excellent Maty by and with the Advice and Consent of this present Generall Assembly and the Authority of the same that the said Benjamin Williams be & is hereby Authorized and fully Impowered to make sale

Lib. L. L. p. 176 of the said Tract of Land to any person or persons that shall think fitt to purchase the same and make unto him or them a good firme and indefeazable Estate of Inheritance in ffee simple of in and to the said Tract of Land and Appurtenances thereunto belonging or in any wise appurteining and further to pay in Such Order as the Law directs and according to the Nature of the Debts the Creditors of the said Joseph out of the purchase money of the said Land all Such Debt or Debts as shall appear to be Justly due and owing from him the said Joseph so farr as the produce of the said Land shall Extend and that Such Sale so as af^{d} to be made by the said Benjamin shall be as firme and Valid to all Intents and Purposes as if the said Benjamin had been in Express terms named and Impowered in and by the said Will to do the same

An Act for Transferring and Setting over unto Major William Whittington the Debts due from the Officers of Sumersett County by vertue of an Act for raising a Supply towards the defraying of the publick Charge of this Province.

Whereas by Virtue of a Certein Act of Assembly made att an Assembly held att Annapolis the 8th day of May Año Dñi 1695 Entituled an Act for raising a Supply Towards the defraying of the Publick Charge of this Province there are diverse sums of Tobbacco arisen and become due this Province from the severall and respective Officers within the Limitts and Precincts of Sumersett County and for as p. 177 much as the said Major William Whittington has well and truly Satisfyed and paid or Secured to be paid to the Treasury of this Province for and Towards defraying the Publick Charge thereof the Sume of Seaventy four pounds Sterl it being in Consideration of the Severall Debts ariseing and now becoming due from the Officers aforesaid in Somersett County aforesaid Be it therefore Enacted by the Kings most Excellent Ma^{ty} by and with the Advice and Consent of this present Generall Assembly and the Authority of the Same That all debts and sums of Tobbacco due and Owing by Virtue of the said Act from any the aforesaid and all the right and Property of in and to all such Debts and sums Conteined in an Accompt annexed to this Act Signed by Major Thomas Smithson publick Treasurer on the Eastern Shore are hereby Transferred and sett over unto the said Major William Whittington his Executors and Administrators and to his and their Proper use and behoof and that the said William Whittington have and hereby to him and his Executors and Administrators is given full power Just Right and Authority in his or their or either of their names and to his or their own proper use and behooffe to Ask, Demand Lib. L. L. sue for and recover by due Course of Law of and from all and every the persons so indebted in Somersett County as aforesaid all such Sume and sums of Tobb° as are due and Owing from them by Virtue of the Act of Assembly as aforesaid any Law usage or Custom heretofore to the Contrary notwithstanding.

An Act prohibiting Trade with the Indians for any Flesh dead or alive Except Dear and Wilde fowl

Whereas Sundry Complaints have been made by sevrall Inhabitants of this Province Alledging That the Indians under p. 178 pretence of Killing Wild hoggs do hunt and drive away their tame hoggs and Cattle and do moreover Sell and trade with the Inhabitants of this Province and likewise with forreigners and Strangers for Beeff and Porke Be it Enacted by the Kings most Excellent Maty by and with the Advice and Consent of this present Generall Assembly and the Authority of the same that no person or persons whatsoever either forreigner or Inhabitant shall buy Trade or Barter with any Indian or Indians whomsoever for any flesh Dead or alive Except Venison wild fowl or Vermins upon penalty of five thousand pounds of Tobbacco the one Moiety to the King for the Supporte of Government the other Moiety to the Informer or him or them that shall sue for the same the said fine to be recovered in any Court of Record within this Province wherein no Essoyn protection or wager of Law to be Allowed.

An Act for the better Adm̄ration of Justice in the County Courts of this Province.

For the better Administration of Justice & Regulation of the County Courts Be it Enacted by the Kings most Excellent Maty by and with the Advice and Consent of this present Generall Assembly and the Authority of the same that the Statute Books of England to this time and Daltons Justice of the Peace be bought by the Justices of the Peace or Comissioners of the Severall County Courts att the Charge of the respective Counties to be kept in their severall County Courts p. 179 That the Justices and Officers and others of the said Court may have reCourse to the Same as they shall have occasion and that the Justices of the said Courts do purchase and procure the by the first Day of Aprill next Ensueing And be it also Enacted by the Authority aforesaid that the Com̄issioners of each respective County Courts shall and may and are

Lib. L. L. hereby Impowered from time to time and as often as to them shall seem Convenient to make & Ordein such necessary Rules and orders for the well Governing & better regulating the said County Courts and the Officers to the same belonging and Suitors to the same as to them in their discretion shall seem requisite and under Such ffines as they shall think fitt not Exceeding one hundred pounds of Tobbacco for any one Offence all which ffines to be Imployed to the use of the poor of each respective County which Rules and Orders so by them to be made and ordained shall be fairly Transcribed by their severall County Clk. and att every the County Courts sett up att the Court house door that all persons may View and Peruse the same and regulate themselves accordingly And be it Enacted by the Authority aforesaid that where any Judgement is had in any County Court for any Matter or thing whatsoever and after such Iudgem^{t} is had & obteined the party against whom the Same is had many times flyes into an other County out of the Jurisdiction of the said Court it shall and may be Lawfull for the Plaintiffe to procure a Certificate from the said Justices of such partys flying and thereupon the Justices of the Provincial Court shall award Execution ag^{t} the body or Goods of the said Party any Law Statute or Usage to the Contrary in any wise Notwithstanding And be it further Enacted by the Authority afores^{d} that any p. 180 Bills Bonds or other Specialtys Books Debts or Acc^{ts} proved before Two Justices of the Peace of any County or one Justice of the Provinciall Court and Just Creditt given to the same and that the Ballance thereof is wholy due and unpaid and Certifyed under the hands of the s^{d} Justices shall be sufficient Evidence as well in the Provinciall and County Court within this Province any Law Statute or usage to the Contrary Notwithstanding.

An Act Ascerteining what Damages shall be Allowed upon protested Bills of Exch:

Be it Enacted by the Kings most Excellent Ma^{ty} by and with the advice and Consent of this Present Generall Assembly and the Authority of the same That there shall not be Allowed to any person or persons whatsoever having Iust Cause to Implead any person or persons whatsoever liveing or resideing within the Province in any Court wthin this Province upon any Bill of Exchange drawn for any sume or sums of money whatsoever payable in England or elsewhere and brought in here protested more then the sum̄e of Twenty pounds ꝑ Cent Damages over and above the Debt sued for

and recovered together with Ordinary Cost of Suite any Law Lib. L. L.
Statute usage or Custom to the Contrary Notwithstanding.

An Act for restreining the Extortions of Sherriffs Subsherriffs & Deputy Com̄issarys

Whereas there hath been diverse and great Complaints
from severall partys of this Province to this Present Gen^{ll} p. 181
Assembly of Severall Sherriffs, Subsherriffs and Deputy Com̄issarys of there Exacting and Extorting Great Sums of Tobbacco above their due and Lawfull ffees Ascerteined by the Act of Assembly of this Province from Severall of the Inhabitants of this Province and tho the Laws of this Province have inflicted a severe penalty upon any Officer that shall Charge and receive more then his due ffees yett the said Officers have most Cunningly and Craftily evaded the said Laws by Takeing Bills and Writeings Obligatory without ever delivering any Acc^{t} Signed under their hand as the Law directs so that the party Grieved Cannot Sufficiently prove the said Extortions and so is left without Remedy for prevention whereof Be it Enacted by the Kings most Excellent Māty by and with the Advice & Consent of this present Generall Assembly and the Authority of the same That no Sherriffe Sub-Sherriffe or Deputy Comissary within this Province after the publication of this Act in their Severall and respective Countys wherein they Dwell shall take any Bond Bill or any other writeing Obligatory of any person or persons upon any pretence whatsoever without Endorsing the Acc^{t} on the Back of the said Bond Bill or writing obligatory for which the same was passed and if any Sherriffe Subsheriffe or Deputy Comissary within the Province shall dureing the time that he remain in his place or Office upon any pretence whatsoever take any Bond Bill or writing Obligatory without Endorsing the Accompt on the back of the said Bill Bond or writing Obligatory as afores^{d} by which it may Appear upon w^{t} Consideration the Same was taken the Bill Bond or Writing obligatory shall be Void and of no Effect and the Officer or Officers that took the same shall loose his Debt and forever be debarred of suing another Action for the recovery of the Same any Law Statute or usage to the Contrary in any wise notwith-
standing And That whereas the said Officers are prohibited p. 182
from takeing Bills upon any pretence whatsoever dureing the time they remaine in Office to the intent the said Officers may receive no Damage by the Act of Assembly for Limittation of Actions

Be it further Enacted by the Authority aforesaid that the time the said Officers remain in Office shall not be reckoned

Lib. L. L. or Accounted in the Act of Limittacōn and that whereas it hath been the Practice of Severall Sherr. of this Province where a person hath been in Prison att the Suite of two or three Severall persons or hath layn for Satisfaction of Two or more Severall Judgem^ts for the Sherriffe to Charge Twenty a Day for each Action or Iudgem^t for prevention whereof

Be it Enacted by the Authority af^d That if any Sherriffe after the publication of this Act shall Exact or take any more then Twenty pounds of Tobb^o ꝑ Day of any Prisoner tho he lyes for the Satisfaction of Severall Judgem^ts he shall be lyable to the pains and penaltys of a Certein Act of Assembly for Settling Officers ffees.

An Act for Amerciaments in the Provinciall & County Courts.

Whereas many Suites are arisen upon frivolous Actions by Litigious persons for prevention whereof for the future Be it Enacted by the Kings most Excell^t Maty by and with p. 183 the Advice and Consent of this present Generall Assembly and the Authority of the same that all persons whatsoever that are Cast in any Cause be they Plantiffe or Defendant shall be Amerced besides the Damage & Costs in the Provinciall Court fifty pounds of Tobbacco to be Imployed as the Governor and Councill shall think fitt and in the County Courts thirty pounds of Tobacco to be Imployed and disposed of towards defraying the County Charge in such mañer as the Comissioners of each respective County shall think fitt and for the due Collecting thereof Be it Enacted by the Authority aforesaid That the Clerk of the Provinciall Court and the severall County Courts keep an Exact Acc^t of the Amerciaments and Deliver or Send the Same to the Sev^rall Sherriffs of the particular Countys who are hereby required to Collect the Same with the Leavy and are Accordingly Impowered for default of payment to make distress and Comanded not to returne any Arrears Except in Cases of Executors and Adm^rs who Cañot pay without Orders And be it further Enacted that the Clerk of the respective Courts Give unto the Chiefe Judge of such Court a list of the Amerciaments, that Court Imposed.

An Act for Stay of Executions after the Tenth day of Aprill Yearly.

Whereas many of the Inhabitants of this Province are and have been Exceedingly Grieved and Burthened by Executions layd upon them for Tobbacco in Sumer Time, when it is not possible for them to procure Tobbacco for the payment and Lib. L. L. Satisfaction of their Creditors by means whereof they are often times kept in prison a long time and thereby disabled from p. 184 makeing and tending theire Cropps to the great prejudice if not ruine of many the Inhabitants of this Province, being therefore left Destitute of any means to Satisfy their Creditors for prevention whereof for the future

Be it Enacted by the Kings most Excellent Māty by and with the Advice and Consent of this present Generall Assembly and the Authority of the same That after the Tenth day of Aprill in any Year no Execution shall issue out of any Courts of this Province against the body or Goods of any person or persons Inhabiting in this Province till the Tenth of October next or untill the Tenth day of October in any Year dureing the Continuance of this Act for any Debt or Debts or upon any Action Judgment or Judgm^{ts} sued had or recovered against the Inhabitants of or within this Province in the Provinciall or in any the County Courts within this Province for any Cause Matter or thing whatsoever. Provided Such person or persons against whom any such Judgement is obteined together with two other persons such as the Justices shall Approve of Come before one Justice or more of the Provinciall Court or before the Mayor Recorder or any two of the Aldermen of the City of S^{t} Marys or two Com̄issioners of the Porte of Annapolis or two Justices or more of the respective County Courts where such Judgem^{t} is obteined as aforesaid and shall Confess Judgment for his Debt and Cost of Suites adjudged with Stay of Execution till the 10th day of October then next following and thereof procure Certificate under the hand of the same Justice or Justices before whom the said Justices shall be Confessed and such Certificate shall be a Sufficient Supersedeas to the p. 185 Sherriffe to forbear Serving Execution upon the body or Goods of the person so obteining such Certificate and if the party be taken in Execution before such Certificate be produced that then such Certificate being obteined afterwards as aforesaid shall be a Sufficient Supersedeas to the Sherriffe for the release of such person out of Prison upon that Execution the party paying or giveing security to such Sherr for his due ffees for that Imprisonment and the Justice or Justices before whom such Judgment shall be Confessed as af^{d} shall returne the Judgement so Confessed unto the Clerk of the respective Court where the first Judgment was obteined to be Entred upon Record for w^{ch} Entry the Clerk shall receive as a ffee five pounds of Tobbacco and no More And that after the said Tenth day of October it shall be Lawfull to take out Execution upon the Judgement Confessed as aforesaid Without any Scire facias or any other Delay against either the Principle or the

Lib. L. L. Securitys or all or either of them for such Judgm^t so Confessed as aforesaid any Law usage or Custom to the Contrary in any wise Notwithstanding.

An Act Impowering the Vestrymen to Assess their Parishioners for finishing & repairing of Churches.

Whereas by an Act made att a Session of Assembly begun and held att the Porte of Annapolis the Ninth day of July in the Year of our Lord 1696 Entituled An Act for the Service of Allmighty God and the Establishm^t of the Protestant Religion within this Province amongst other things it is Conteined in p. 186 the Sixth Article, That the Several Vestrymen of each respective Parish shall within twelve months after the publication of this Act provide att the Charge of the Parish faire Register Books of paper or Parchment the which the said Register shall keep and therein shall Register and fairly Enter in Writeing the publication of all Marriages Birth of Children Baptisms and burialls &c And further in the said Clause it is Enacted That if the Vestrymen aforesaid shall faile in Providing such a Book as aforesaid within the time afores^d they shall forfeitt five hundred pounds of Tobbacco each Vestrymen (the Minister Excepted) &c and Notwithstanding no waies Provided how the said Vestrymen should Assess theire Parishes for the purchasing of the s^d Register Books and further it is said in the twelvth Article of the s^d Act Be it Enacted by the Authority aforesaid that where there is an Incumbent upon the Benefice and Officiates in no other place the Vestrymen of the said parish shall not under Colour or pretext of finishing the said Church or keeping the same in repaire withold or deteine from the said Incumbent any part of the fourty pounds of Tobbacco ꝑ poll under any pretext whatsoever Except what is by this Act before Appointed but for as much as most of the Churches of this Province are either not wholy finished or out of repaire and no rule is provided (by the aforesaid Act) by which the severall parishe Churches shall be finished and kept in repaire to the end therefore that the said Vestrys may be p. 187 Supplyed with such Sume or Sums of Tobbacco as shall be requisite and necessary to purchase Writeing Books and other Necessary and Usefull Books for their better direction and Guide in their Proceedings as also for repairing their Churches or other parochiall Charges it is prayed that it may be Enacted And be it Enacted by the Kings most Excellent Mā̄ty by and with the Advice and Consent of this Present Generall Assembly and the Authority of the same That when and as often as the Necessity of each respective Parish shall require such repaires or Supplyes the Vestrymen and Church Wardens thereof shall Apply themselves to the Justices of the County Court att the time of the laying the County Leavy who upon the necessity appearing to them shall and are hereby Impowered to raise by an Equall Assessment by the Poll on the Inhabitants of such respective parish such sums of Tobbacco as by the said Justices shall be adjudged necessary to Supply the occasions afores^d over and above the County Leavy not Exceeding the sume of Tenn pounds of Tobbacco ꝑ pol. in one year which Sume so raised shall be Collected and Gathered by the Sherriffe of the same County & paid to the Vestrymen of such respective parish or parishes who shall att the next County leavy or Sooner if they Can give a true Acc^t to the said Justices how and for what they have laid out and bestowed the said Tobbacco so raised any Law Statute or usage to the Contrary in any wise Notwithstanding this Act to Endure three years or to the end of the next Sessions of Assembly which shall first happen after the end of the three Years. Lib. L. L.

An Act for Appeals & Regulating Writts of Error. p. 188

Forasmuch as the Liberty of Appeals & Writts of Error from the Judgem^t of the Provinciall & County Courts of this Province is found to be of great use & benefitt to the good People thereof Be it therefore Enacted by the Kings most Excellent Māty by & with the Advice and Consent of this present Generall Assembly & the Authority of the Same That no Execution upon any Judgement obteined either in Provinciall or County Courts or other Inferior Courts of Record within this Province shall be Stayed or delayed or any Supersedeas upon such Judgem^t granted or issued forth upon Appeal or Writt or Error from any such Court or Courts of Record af^d to the Court before whom such Appeale ought to be brought or before whom such Writt of Error ought to be heard tryed and Determined unless such person or persons in whose name such Appeale or Writt of Error shall be made or brought as af^d or some other in his her or theire behalfe shall Imediately upon making such Appeale or Sueing out such Writt of Error as afors^d Enter into Bond with Sufficient Securitys such as the Justices of the Court by whom Iudgem^t shall be given as aforesaid or the Keeper of the Seale for the time being to whom Application shall be made for such Writt of Error as aforesaid shall approve of in doubte the sume recovered by such Iudgm^t obteined as afores^d with Condition that if the party Appellant or party p. 189 sueing out such Writt of Error as aforesaid shall not

Lib. L. L. pursue the directions in this Act hereafter mentioned att the next Court Ensueing before whom such Appeal or Writt of Error to be tryed as aforesaid and prosecute the same with Effect and also Satisfy and pay to the said Party his heires Executors Administrators or Assignes in Case the said Judgments should be Affirmed as well all and Singular the Debts Damages and Costs Adjudged by the Court before whom such Action from whose Judgement such Appeale shall be made or thereon a Writt or Error brought as afores^{d} shall have been Originally Tryed as also all Cost and Damages that shall be awarded att the Court before whom such Appeale or writt of Error shall be heard tryed and Determined as af^{d} then the said Bond to be and remaine in full force and Virtue And be it Enacted by the Authority aforesaid by and with the Advice & Consent aforesaid That no person or persons whatsoever against whom any Judgment shall be given in any County Court within this Province wherein the Debt or Damage for which such Judgment shall be Given shall have any Appeal or Writt of Error from the said County Courts or any other Inferior Courts of Record to the Provinciall Court wherein the Debt or Damages Recovered do not amount unto the sum̄e of Six pounds Sterling or Twelve hundred pounds of Tobbacco and that no person or persons whatsoever ag^{t} whom any Judgment shall be given in the Provinciall Court of this Province wherein the Debt or Damages recovered shall not Exceed the Sume of fifty pounds Sterling or ten thousand pounds of Tobbacco shall be allowed any Appeal or Writt of Error to the Governor and Councill of this Province but the Judgment of the Justices of the said Courts by whom such Iudgem^{t} shall be given as aforesaid and thereupon Entred shall be definitive for any such Debt and p. 190 Damages as aforesaid any Law usage or Custom to the Contrary Notwithstanding And be it further Enacted by the Authority aforesaid by and with the Advice and Consent aforesaid that the Method and rule for the prosecution of Appeals and Writts or Error shall for the future be in maner and forme as is hereafter mentioned & Expressed that is to Say the party Appealing or Sueing out a writt of Error as aforesaid shall procure a Copy or Transcript of the full Proceedings of the said Court from whence such Appeal shall be made or against whose Judgment a Writt of Error shall be brought as aforesaid under the hand of the Clerk of the said Court and the Seale thereof and shall Cause the same to be Transmitted to the Court before whom such Appeal or Writt of Error is or ought to be heard tryed & Determined as aforesaid and also in the Same Court file in writeing According to the Rule of the said Court such Error in the Proceedings as the Plaintiffe in the

Writt of Error shall think fitt to Assigne or such Causes or Lib. L. L.
reasons as he or they had for makeing the Said Appeal or
Sueing out such Writt of Error as aforesaid upon which Transcript
the said Court to whom such Appeal shall be made or
before whom such Writt of Error shall be brought as afores^{d}
shall proceed to give Judgement. And be it Enacted by the
Authority aforesaid by and with the Advice and Consent
aforesaid That all Appeals made in Maner afores^{d} shall be
admitted and allowed of by the Superior Court to whom
such Appeal shall be made as afores^{d} in Nature of a Writt
of Error and that every Cłk of a Court shall att the time of
the Sitting of the Court to which they respectively belong p. 191
and when any Appeal shall be Demanded to Enter a Memorandum
of such Demand as well in his or their Iournall as in
the faire Records of the proceedings of such Court and that
no Clerk of a Court do refuse or delay upon the request
of any Appellant as aforesaid to make and Write out a
Transcript of the whole Proceedings as aforesaid under his
hand and the Seale of the said Court as aforesaid upon
penalty to pay the respective Damages which such Appealant
shall Sustein by such refusall or delay as aforesaid the said
party paying or secureing to be paid such respective Clerk
his Just ffees for the Same according to Law And be it
Enacted by the Authority aforesaid that these Officers hereafter
mentioned shall have noe other ffees then are hereafter
mentioned That is to say for a Writt of Error to the Secretary
fifty pounds of Tobbacco and to the keeper of the Seale
for the Seale thereof one hundred and Twenty pounds of
Tobbacco for a Supersedeas to the Secretary fifty pounds of
Tobbacco and to the Keeper of the Seale one hundred and
Twenty pounds of Tobb^{o} for a Scire facias ad audiendum
Errores to the Secretary fifty pounds of Tobbacco and to the
keeper of the great Seale one hundred and Twenty pounds
of Tobbacco any Law usage or Custom to the Contrary
Notwithstanding And be it Enacted by the Authority aforesaid
by and with the Advice and Consent afores^{d} That all
appeals or Writts of Error tryable before the Governo^{r} and
Councill if it so shall happen that the former Judgement
Given shall be by the said Governor and Councill Affirmed
such Determination shall be finall and without any further
review unless such Judgement So given shall Exceed the
sum̃e of three hundred pounds Sterling or the Sum̃e of Sixty
Thousand pounds of Tobbacco then and in every such Case p. 192
the party ag^{t} whom such Judgment shall be Given may
Appeal to the King and Councill in England And be it
further Enacted by the Authority aforesaid That all and every
Person or persons that shall Conceive him or themselves

Lib. L. L. relievable in Equity from any Judgement given or obteined against him in the Provinciall or County Court aforesaid shall Exhibitt his Bill and proceed in Chancery before any Appeal be Entred or Prosecuted before the Governo^r and Councill and not afterward and that all such persons as Conceive themselves Grieved by any Decree in Chancery Shall be att Liberty to Exhibit his Prayer to the Governor and Councill to review and Examine the same and that the Judgment Sentence or Decree of such Court of review shall be finall as afores^d unless as af^d the Originall Debt or Damages shall Exceed three hundred pounds Sterling or Sixty thousand pounds of Tobb^o as aforesaid then and in every Such Case to appeal to the King and Councill as aforesaid And that one Act of Assembly made att a Sessions of Assembly begun and held att the City of S^t Marys the Twenty first day of September in the year of our Lord one Thousand Six hundred Ninety four Entituled an Act for Appeals and Regulating Writts of Error be & is hereby repealed and that all appeals and Writts of Error all-ready made and brought or hereafter to be made or brought before the Governor and Councill shall & may be heard by the said Governor and Councell out of Assembly time any thing in the Same writt any other former Law or Practice to the Contrary notwithstanding And for th^t it may so happen that p. 193 the Governor of this Province for the time being may hereafter be Concerned in an Appeal made or writt of Error brought from the Iudgm^t of the Judgment of the Provincial and County Court to the Governo^r and Councill aforesaid or he otherwise indisposed or Absent Be it therefore Enacted by the Authority aforesaid by and with the Advice and Consent aforesaid that it shall and may be Sufficient in every such Case for the Councill onely to hear and Determine such Matters of Controversy whereof the first of the Councill in Comission being then present shall preside whose Judgment thereupon shall be definitive Except before Excepted in as full and Ample mañer as though the said Governor were then Actually present and presideing any thing in this Act to the Contrary Notwithstanding.

An Act for the more Speedy Conveying the publick Letters and Pacquetts of this Province and Settling a Revenue on the Sherriffs for defraying the Charge thereof.

Forasmuch as Severall of the Inhabitants of this Province haveing been formerly Subject to great and Manifest inconveniencys by reason of pressing of horses under pretext of Carrying and Conveying of publick Letters and Packetts for prevention whereof and that due Care may be taken for the future that all publick Letters and Packetts relateing to his Ma^ty^ or publick Service of this Province be Securely and Expeditiously Conveyed according to their Directions the Delegates of this present Generall Assembly do pray that it may be Enacted And Be it Enacted by the Kings most Excellent Māty by and with the Advice & Consent of this present Generall Assembly and the Authority of the Same that the Sherriffe of each respective County is hereby enjoyned and Comanded to take care of all Publick Letters and Packetts and Expeditiously to Convey them according to their directions to the next Sherriffe or undersherriffe of the adjacent County and for the Encouragem^t^ of the Severall and respective Sherriffs and their diligence in Conveying Such publick Letters & packetts that they may be Allowed the Severall Sums hereafter Exprest to be layd in the Publick leavy of this Province Viz. to the Sherriffe of Ann Arundell County fifteen hundred pounds of Tobbacco who is hereby Oblidged to Convey all such Letters & Packetts as are directed and must go over to the Eastern Shoar to Kent Island and there to be delivered to the Sherriffe of Talbott County or his Deputy, to the Sherr. of Talbott County fifteen hundred pounds of Tobbacco who is hereby also obliged to Convey all such Letters & Packetts that are directed to the Porte of Annapolis, to the s^d^ Port to the Sherriffe of Kent County Eight hundred pounds of Tobbacco who is also hereby obliged to Convey all such Letters and Packetts as are directed to the Porte of Annapolis to Kent Island and deliver them to the Sherriffe or undersherriffe of Talbott County Except he can Convey them a more ready and Expeditious way to Annapolis who is also hereby obliged to Convey all such Letter and Packetts to the Porte of Annapolis as afores^d^ to the Sherriffe of Cecill County one thousand pounds of Tobbacco who is also obliged to Convey all such Letters and Pacquetts as are directed to the Northward to the Town of New castle upon Delaware to the Sherriffe of Dorchester County Eight hundred pounds of Tobbacco, To the Sherriffe of Somersett County five hundred pounds of Tobbacco to the Sherriffe of Calvert County Eight hundred pounds of Tobbacco to the Sherriffe of Prince Georges County one Thousand pounds of tobbacco to the Sherriffe of S^t^ Marys County Eight hundred pounds of Tobacco to the Sherriffe of Charles County one Thousand pounds of Tobb^o^ to the Sherriffe of Baltemore County Eight hundred pounds of Tobbacco which said Severall and respective Sums of Tobbacco shall be Annually Allowed and paid to the Sherriffes as afores^d^ in Consideration whereof the Sherriffs of the Said Severall and respective Countys shall defray all such Charges as

Lib. L. L.

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Lib. L. L. shall Accrew by reason of Conveying any such Letters or Packetts any former Law usage or Custom to the Contrary Notwithstanding And be it further Enacted by the authority aforesaid That any Sherriffe undersherriffe or Deputy th^{t} shall Neglect or Delay the Speedy Conveying of any such Letters or Packetts shall forfeitt and pay to his Sacred Ma^{ty} for every such offence the sume of five hundred pounds of Tobbacco one halfe to the informer or him or them that will sue for the same and the other halfe to be Imployed for the defraying of the County Charge where any such neglect shall happen to be recovered in any of his Ma^{ty}s Courts of Record within this Province by Action of Debt wherein no Essoyne Protection or wager of Law to be Allowed And be it further Enacted by the Author-
p. 196 ity aforesaid That all such publick Letters and Packetts be indorsed for his Matys Service and with the Persons name that send them and if any ꝑson or persons whatsoever shall att any time after the publication of this Act presume to indorse any Letter or Letters Packett or Packetts so as aforesaid which are not for the Publick Service shall forfeitt and pay for such Offence five hundred pounds of Tobbacco to be recovered in Mañer aforesaid

An Act Impowering the Commissioners of the County Courts to Leavy and raise money to defray the necessary Charges of their Countys.

Forasmuch as in the Intervall of Assemblys in this Province there have been Severall Necessary Charges laid out and Expended in the Severall & respective Countys of this Province by Severall and respective Comissioners of the said Countys and others for the good & welfare and Conservation of the Peace of this Province and of and within the said Countys and w^{ch} ought to be borne by the Severall and respective Countys distinctly and have been formerly used & Accustomed to be reimbursed and defrayed paid and Satisfyed by and out of the County Leavy leavied and Assessed by the Com^{rs} of the said respective Countys by Equall Assessment upon the Estates and Persons of the Inhabitants of the said Severall and respec-
p. 197 tive Countys but the said Comissioners of the said County Courts not haveing Sufficient Warrant and Authority to raise such Leavy Be it Enacted by the Kings most Excell^{t} Ma^{ty} by and with the Advice and Consent of this Present Generall Assembly and the Authority of the same That for the future it shall and may be Lawfull to and for the Severall and respective Comissioners of the Severall and respective County Courts within this Province att the Severall & respective Courts to be

held for the said Countys upon Examination had before them of the Publick Charges of their said Severall and respective Countys and allowances by them made of the same to leavy and raise Tobb° for payment and Satisfaction of the said Severall & respective County Charges and the Sherriffs Salary for the Collecting thereof by an Equall Assessment of the Taxable persons of the said Severall Countys any Act Law usage and Custom heretofore had and made to the Contrary in any wise Notwithstanding Provided Allways that the Account of the said County Charge be kept upon Record in a Book fair written by themselves Signed by the Clerk of the said County Court and that upon Complaint of any person that the said Charges are not allowable or that he is overcharged or otherwise agrieved the said Acts shall be Examined and Rectifyed in the Provinciall Court of this Province Lib. L. L.

An Act for the marking High Ways and makeing the heads of Rivers Creeks Branches and Swamps passable for horse and foot

Whereas it is thought Convenient and very much for the benefitt of the Inhabitants of this Province that Roads and Paths be marked and the heads of Rivers Creeks and Branches be made Passable Be it therefore Enacted by the Kings most Excellent Maty by and with the Advice & Consent of this present Generall Assembly and the Authority of the Same That all Publick and main Roads be hereafter Cleared and well Grubbed fitt for Travelling Twenty foot wide and good and Substantiall bridges made over all heads of Rivers Creeks Branches and Swamps where need shall require att the discretion of the Justices of the County Courts and for the better Ascerteining what is or shall be Deemed Publick Roads Be it likewise Enacted that the Justices of the County Courts shall sett down and Ascerteine in their Records once every Year what are the Publick Roads of their respective Countys and appoint overseers of the same and that no person whatsoever shall alter or Change any such publick Roads without the leave or licence of the Governor and Councill or Justices of the County Courts upon Penalty of five hundred pounds of Tobbacco And if any Overseer so Appointed should neglect to Clear the Roads so as before he shall be fined five hundred pounds of Tobbacco in Cask and every Labourer that shall refuse to Serve and obey the Overseer and every Master Servants that being Sum̄oned or warned shall refuse to send all his Taxable Male Servants to the Overseer aforesaid he or they shall be fined that is to say every Labourer one hundred p. 198

Lib. L. L. pounds of Tobbacco and the s^{d} Master for every Servant p. 199 warned and not sent one hundred Pounds of Tobbacco and the Clerk of the County is hereby obliged to issue out Warrants to the Overseer appointed upon Penalty of one Thousand pounds of Tobbacco and the Sherriffs of each respective Countys are to deliver the same to the Severall & respective Overseers so appointed as aforesaid ex Officio on Penalty of one Thousand pounds of Tobbacco in Cask the one halfe of all w^{ch} fines shall be Imployed and disposed of Towards the Defraying the County Charge in such Mañer as the Comissioners of each respective County shall in their discretion think Convenient the other halfe to him or them that shall informe or sue for the same to be recov^{r}ed in his Ma^{tys} Name for the use aforesaid by Bill Plaint or Information in any Court of Record within this Province wherein no Essoyn protection or wager of Law to be Allowed And that all the Roads that lead to any fferrys Court house or to any Church or leading through any County to the Porte of Annapolis shall be marked on both sides the Road with two Notches if the Road leads to Annapolis the Road that leads there att the leaving the other Road shall be marked on the face of the Tree in a Smooth place Cut for that purpose with the Letters A. A: set on with a Pair of Marking Irons and Coloured and so with two Notches all along the Road and where att any place it leaves any other Road shall be againe Distinguished with the Mark aforesaid on the face of the tree with the paire of Marking Irons and Coloured as afores^{d} and any Road on the Eastern Shoar in Talbott County that leads to the Port of William Stadt at the Entring into the same and upon parting with or Dividing from any other Road shall be marked on the Face of a Tree in a Smooth place Cut for that purpose with the p. 200 Letter W and so with two Notches all Along the Road and the Roads that leads to any County Court house shall have Two Notches on the Trees on both sides the Road as aforesaid and another knotch a distance above the other two any Road that leads to a Church shall be knocked att the Entrance into the Same and at the leavying any other Road with a Slip Cutt down the face of the tree near the Ground and any Road leading to fferry and Dividing from other publick Roads shall be marked with three Notches of Equall Distance at thê Entrance into the same and these Rules and Methods the severall Justices of the County Courts shall from time to time give in Charge to the Overseers of the high ways by them to be appointed for th^{t} purpose who are likewise enjoyned Carefully and Strictly to observe and performe the same under the Penalty afores^{d} and where any Road shall lead through any Seated Plantation or old fields Be it Enacted by the Authority aforesaid by and with the Advice and Consent aforesaid That the sev^r^all and respective Overseers within their Severall & respective Precincts Do Sett up Posts so many as may be perceived from one to the other which Posts shall be Marked & noched according to the Place they lead to as before in this Act for the Marking and Notching of Roads have been appointed & that the Posts of all Gates through w^ch^ any such Roads shall lead as aforesaid be Marked and Notched as aforesaid under the Penalty aforesaid any thing in this Act to the Contrary Notwithstanding Lib. L. L.

An Act Concerning the Height of Fences and to punish Burners thereof and also to restreine the Multiplicity of horses and Mares &c. p. 201

Whereas Diverse people within this Province have and do make insufficient fences about theire Corn fields whereby Cattle & horses are apt to gett in and Destroy the Corne there planted for prevention whereof for the future this present Generall Assembly do humbly pray that it may be Enacted And be it Enacted by the Kings most Excellent Ma^ty^ by and with the Advice and Consent of this present Generall Assembly and the Authority of the Same That all fences w^ch^ are Intended or Designed to inclose Corn Ground or preserve Corne there Planted shall be att the least five foot high quite Round the field well and Sufficiently made in the Judgem^t^ of Two indifferent men viewing the Same when any Trespass is Comitted and in Case any Horse Mare or Cattle shall leap over or break down any such fence as aforesaid there by getting into such Ground That then the Owner of such horse or horses, Mare or Mares or Cattle shall be lyable to an Action of Trespass if the Damage thereby Susteined shall in Iudgem^t^ of Two such Persons as aforesaid amount to Two hundred pounds of Tobbacco or upwards or if less the Owner of such Beast or Beasts to be Conveyed before one Justice of the peace in the same County who is hereby Impowered to award such Damages as he shall think Convenient upon such Evidence as shall be produced before him any Law or Custom to the Contrary Notwithstanding and whereas Diverse the good people of this Province have and do Suffer great Damages by the notorious ill Practices of ill disposed and malitious persons burning Fences to the end therefore That so great abuses may be either restreined or punished Be it Enacted by the Authority aforesaid That if any Person or Persons whatsoever within this Province shall wilfully & Malitiously Burn pull down or any ways Destroy any Corn field Pasture or p. 202

Lib. L. L. Orchard or any other fence or fences whereby any of the Inhabitants of this Province are or may be harmed or damnifyed the person or Persons So Offending being thereof Lawfully Convicted by Confession or the Testimony of Two Wittnesses or one Wittness & pregnat Circumstances agreeable thereto shall make Restitution to the party Grieved by paying of Treble the Damage Susteined thereby as the said Justices before whom such matter shall Come shall determine or a Iury in such Case shall award and forasmuch as it often happens that peoples Corn fields are Generally destroyed by the intollerable number of horses and Mares that are usually Suffered to run att Liberty in the Woods and other places thereby going so wild that they are not onely prejudiciall to most of the Neighbourhood but also are of little or no use to the Owners Be it therefore Enacted by the Kings most Excellent Ma^{t}y by and with the Advice and Consent of this present Generall Assembly and the Authority of the Same That from and after the Tenth day of March next after the Publication hereof when and as often as any horse mare or Gelding or any other Beasts shall happen to get into any Corn field wheat or Oat Ground so inclosed with such a fence as is above Mentioned the Owner of Such Ground as aforesaid shall be obliged the first and Second time such beast shall gett into such inclosed Ground as aforesaid to Give p. 203 notice to the Owner or Owners of such beast as aforesaid and if the af^{d} Owner of such Beast or Beasts shall neglect or refuse to restreine such Beast or Beasts from Comitting the like Offence, it shall & may be Lawfull for the Owner or Lawfull Possessor of such Ground to shoot kill or otherwise destroy upon their said Possession such Beast or Beasts That shall Com̃itt such trespass the third And be it further Enacted by the Authority aforesaid that if the Owner or Owners of any such beast as aforesaid shall not be known to the party or partys Grieved or damnifyed as aforesaid, he she or they so grived shall and are obliged with two sufficient Evidences, to take notice of the Colour naturall & Artificiall Marks of any such Beasts in Writeing and the same to affix and sett up att the most publick place within the County where such damage as aforesaid shall happen to be done for the Space of one whole month att the end of which no owner appearing it shall and may be Lawfull for the Parties Grieved to Shoot Kill or Destroy upon his her or their Possession as aforesaid any beast or Beasts as afores^{d} any Law Statute or Custom to the Contrary Notwithstanding.

An Act for Killing of Wolves Lib. L. L.

Be it Enacted by the Kings most Excellent Majesty by and with the advise and Consent of this present Generall Assembly and the Authority of the same that every person that shall bring the head of a Wolfe to any of the Comissioners or Iustices of the Peace in any County within this Province shall be allowed two hundred pounds of Tobbacco from the County where the Wolfe shall be Killed and th^t such Comissioner or Iustice of the peace to whom the Wolfe head shall be brought shall Cut out or Cause to be Cut out the tongue and Cutt or Cause to be Cutt of the Ears of the said Wolfs head to prevent the deceit of twice or oftener paying the same Be it likewise Enacted by the Authority aforesaid That it shall and may be Lawfull to and for the severall Justices of the Severall and respective Countys within this Province and they are hereby Authorized Impowered and required Yearly and every Year dureing this Act att the time of the laying of the County Leavy to raise and Assess by an Equall Assessment upon the Taxables of the said Countys such Sum or Sums of Tobb^o as to the Justices of the Severall and respective Counties shall seem meet and Convenient and such Sums of Tobbacco raised as af^d shall lay out and dispose for purchasing of Dufells or Matchcoats and when the same is purchased shall deliver to such and so many persons resideing Convenient to the Indians as the Justices aforesaid shall think fitt who shall render an Account to the said Justices att the next laying out of the Leavy how such Matchcoats delivered him or them have been disposed and what part thereof remains in his or their Possession or hands And be it Enacted that such person or persons haveing such Matchcoats delivered as aforesaid be and are hereby required to deliver to any Indian or Indians for every Wolfe or Wolfs heads not haveing been paid for before one Matchcoate Conteining two Yards of Dufells and give a true Accompt of the Same att the next County Leavy as aforesaid to the Justices afores^d and shall Mark Wolves heads as aforesaid to prevent deceipt as aforesaid. p. 204

An Act to Enable the purchasers of the Subscriptions to the ffree School to recover the same p. 205

Whereas Severall persons of the Inhabitants of this Province hath Voluntarily Subscribed and Given towards the building and Erecting a Free Schoole att the Town and Porte of Annapolis in this Province severall Sums of Tobbacco and monys as by their Sev^{r}all Subscriptions and Sums thereunto affixed appears and the Governors and Visitors of the said ffree

Lib. L. L. Schoole for the raising of Money to carry on the said building have sold the Severall Sums of Tobbacco subscribed unto by Severall persons unto Severall of the Inhabitants within this Province and whereas severall of the said Subscribers or Donors as af^{d} do refuse to pay unto the persons purchacers their Severall Subscriptions as aforesaid to the great Damage of the purchasers thereof wherefore the Delegates of this present Generall Assembly pray that it may be Enacted And be it Enacted by the Kings most Excellent Ma^{ty} by and with the Advice and Consent of this present Generall Assembly and the Authority of the Same That it shall and may be Lawfull for any person or persons Purchaser or Purchasers of the af^{d} Subscriptions or Donations their Executors & Administrators upon the refusall or Denyall of Payment by any Subscriber or Donor to bring his Action of Debt against the said Subscriber or Donor his Executors or Administrators in the Provinciall Court or in any County Court within this Province which said Subscriptions shall bind such Subscriber his heires Executors & Administrators for the payment of such Sume or p. 206 Sums of money or Tobbacco according to the true Intent and meaning of the Writeing to which such Subscription shall be made or Copy of the same from under the hand of the Clerk of his Matys Hon^{ble} Councill wherein no Essoyn protection or Wager of Law to be Allowed and that Court where Judgment is given to award Execution on the Same any Law Statute or usage to the Contrary Notwithstanding.

An Act for Setling a Revenue on his Majesties present Governor.

Whereas his most Sacred Ma^{ty} out of his Royall Bounty and Princely favours has been pleased to Constitute and Appoint his Excellency Colonel Nathaniel Blakiston his Cap^{t} Generall and Chief Governo^{r} in and over this his Ma^{tys} Province of Maryland to whom we his Ma^{tys} most Loyall Subjects Yield all due obedience as by his Royall Com̄ission we are obliged and the better to Demonstrate our most humble Gratitude and to shew the Good respects we have for and towards the said Col Nathaniel Blakiston our ꝑ^{r}sent Governor and the great hopes and Expectation we have of his Excellencys Good Government over us We most humbly pray that it may be Enacted And be it Enacted by the Kings most Excellent Ma^{ty} by and with the Advice and Consent of this p^{r}sent Generall Assembly and the Authority of the same That an Imposition of three pence ꝑ hogshead over and above the one shilling ꝑ hh^{d} heretofore Granted for Supporte

of his Ma^{tys} Governor here upon all Tobbacco that shall here- Lib. L. L.
after be Exported out of this Province by Land or Water p. 207
allowing four hundred pounds of Tobbacco to each hogshead
and the like quantity in bulk may be raised leavied and paid
by the Master of every Ship or Vessell trading into this
Province in ready money or Bills of Exchange att the Election
and Charge of the said Master to be Collected by the Navall
Officer of the Porte or District where Such Ship or Vessell
shall Enter or such other person as his Excellency shall think
fitt to appoint And be it further Enacted and declared that if
any Tobacco should by any Casuall means be lost after the
Imposition paid that then and in all such Cases the Owner
or freighter of all such Tobbacco shall have free Liberty to
freight and Ship of the like quantity again without paying
the Additional three pence this Act to Endure so long as the
said Nathaniel Blakiston Esq^{r} shall Continue Governor of
this Province

An Act Ascerteining the Bounds of Land.

Whereas att the first takeing up of Lands in this Province,
Necessity Constreined his Lordship to Com̃issionate such
persons to be Surveyors as was but very meanly Skilfull in
the Art of Surveying and for the Windings Courses and
Turnings of the Sev^{r}all Rivers Riveletts Creeks and Coves
many times by these Branches folding one in Another were
unknown to the Surveyors nor for fear of the Indian Enemy
then numerous and Strong dar'st they freely Stay on Shore
to Examine the Windings and Courses afores^{d} but marking
some Trees by the side of such Rivers Creeks &c. did
without further Troubles proscribe Certein Bounds and
Courses to the Severall Tracts by them Surveyed or In-
tended to be Surveyed and the said Bounds are Generally
Expressed in such uncertein terms and being many times
Contradictions and inconsistent in themselves whereby it p. 208
Comes to pass that at this time is very uncertein and many
Chargeable and Tedious Suites in Law happen about such
Bounds which are most times (as it were) by the favour &
Inclinations of Jurors Arbitrarily determined differing ways
in Parallel Cases To prevent which for the future and that
Judgment may go more direct and that Neighbours may more
Certeinly know their Bounds and avoyd Trespassing upon
one another and for the more generall Ascerteining the meets
and Limitts of every Particular mans Land then can be no
better way then by a Law to put one Certein Interpretation
upon such Contradictory Expressions observed to be in

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Ancient Certificates and by demonstrating one Example of each Interpretation in a fair Parchm^{t} to be to this Act Annexed as Part of the said Act wherefore the Delegates and Representatives of the City of S^{t} Marys & of the Severall and respective Countys of this Province humbly Pray that it may be Enacted And be it Enacted by the Kings most Excell^{t} Ma^{ty} by and with the Advice and Consent of this Present Generall Assembly and the Authority of the same That if any man or his Assignes hold a Tract of Land lying in the Woods and from the first or other Markt Tree or end of the line or otherwise run a Certein Course and Certein number of Perches to a Bay River Creek Branch or Beaver Damne which have a Constant Stream or Certeine Bed of a Channell if the Course directs thereto and the number of Perches fall short thereof in such and the like Cases if adding fifty per Cent thereto will reach the said Bay, River Creek Branch or Beaver Damn Expressed in the said Grant the said line shall be Extended thereto as in p. 209 other Cases hereafter being Certein Naturall and unalterable Bounds And where the said line Intersects the water of the said Bay River Creek or Beaver Damn or Run of the said Branch which are or shall be Expressed in Such Grant such Intersection shall be Deemed and adjudged the Certein Prick or Point of the said Tract of Land but if the said Adding of the said fifty per Cent will not reach the said Bay or River &c Expressed in the said Grant and such Certein number of Perches give the Quantity of Land which by Condition of Plantations is Express'd in the grant of the said Land to have been due to him with his said Certein Number of Perches and shall not Extend his Bounds further then his Certein Number of Perches to the prejudice of any later Survey Notwithstanding any Gift Grant or Patent of Confirmation Granted or made after the Date of any Certificate of Latter Survey And if a Tract of Land by a River Creek or Branch Side and from any Markt tree or end of line run a Certein Course and number of Perches up the River Creek or Branch to the head of the said River Creek or Branch and the Record of Survey do not Express any Markt tree to which as an individuall Prick the line might be Supposed to Come the said tract shall be Concluded by the Certeine number of Perches, but if in this or the former Case there be a Markt Tree Expressed in the Certificate of Survey and well and Sufficiently proved to which either the Course or the Creek River or Branch directly leads and may be Attained by adding ten ꝑ Cent to every hundred ꝑches of that line which leads to it the Owner or Owners of Such Land shall hold that Surplusage Granted by the said Ten ꝑ Cent against any latter taker up and even agt the Rt Honble the Lord Proprietor his heires and Successors att the Granted Rent without any Alteracōn by reason of the words more or less. And if the said Markt tree may be Attained by adding of fifty ꝑ Cent to every hundred perches of the said Line which leads to it the Owner of Such Land shall hold that hould that Surplusage against any later Taker up That is to say all between the said Trees against the Lord Proprietor paying Arrears of Rent att Two pence ꝑ pound in Tobbacco, but if the fifty ꝑ Cent will not Attaine the second tree it is out of Measure unreasonable and then the Owners of Such Land shall be Concluded by his precise number of Perches as if he had never any second Markt tree And if in either the former Cases or any other Case where the aforesaid fifty per Cent will attaine the Second Tree so as by this Act the Owners may hold the Surplusage the Second line is drawn from the second tree, the Iust length, as for Example for one hundred Acres A line from the first tree be mentioned North one hundred perches to the second Markt tree but is really one hundred and fifty Perches and then from the Second tree a line is drawn East one hundred and Sixty perches the Just length then from the End of the said East line a line is Drawn South one hundred Perches but no Markt tree there Exprest It will leave a Gore betwixt a Line drawn, West to the first tree and the end of the hundred perches South in all Such Cases by Virtue of this Act the third line shall be Extended of Equall Length with the first and the fourth line shall be paralell with the Second as in the first Example demonstrated that the Tract of Land may be Square and one and the Same being laid out Backward or forward But if in the Certificate of Survey it be Expressed in the third line a Certeine Course and Number of Perches and then or from the end thereof or such like Synonimous Expressions with a Straight line to the first bounded tree such Streight line shall be the bounds thereof although the 3d line be not of Equall Length with the first and if any 2d or later taker up of Land have taken up the said Gore or Land that may include it and not Improved or built thereon the owner of the first Tract shall pay him his reasonable Charge Expended in takeing up the same and reimburse him all the Rent payd for the same, and the first Owner shall intirely hold the full Square paying his Lordship his Succeeding Rent for the Surplusage but if the taker up of the said Land or Gore including it have built thereon, he shall not be lyable to an Action of Trespass, But if in Case the Owner of the first Tract do not agree with him about paying him for his Improvement, then the taker up of the Gore shall for the Improvements Sake hold it such number of Years not Exceeding fourteen Years to Come as a Iury of

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Lib. L. L. Resurvey shall adjudge, and this all to be required and the Number of Years to Commence when the Owner of the first Tract shall by a Iury Resurvey and Ascertein his bound according to this Act And if any man hold a Tract of Land by the side of a Creek or Branch and it be Described to begin att a Markt Tree by the Side of the said Creek, River or Branch and att the last is on that side to be bounded with the said Creek River or Branch, but it is Exprest from the said Markt tree to run up or Down the said Creek River or Branch a Certein number of Perches or a Certein Course which Course Declines from the Water Side an Runs into the Land and no Markt tree appointed for it to end att, in all Such like Cases the Owners of the said Land shall reverse his last line (Viz.) as Suppose the first Course is North one hundred Perches to the Branch Creek or River and the other West one hundred and Sixty perches and then South one hundred perches and then East or on a Streight line to the first Markt Tree he shall run from his first Tree West one hundred and Sixty perches and then North one hundred p. 212 perches and then East unto the said Creek River or Branch and where the said East Line Intersects or falls into the water it shall Determine his Bounds and he shall hold from that Intersection by the water Side to the first Tree, but in this Case or any Cases Paralell if fifty ꝑ Cent will not Intersect the Branch Creek or River then the precise lines and Course to be the bounds thereof and the reversing of Lines shall Determine Bounds when the lines by the Water Side slants over the Creek River or Branch and in that Case the Creek River or Branch shall be the Bounds of such Tract and it shall not pass over as in the Second third and fourth Example is Demonstrated and the reason why fifty per Cent is allowed to reach the Creek River or Branch that if more is there will be no Coherence between the Creek and the Course. And if a Tract be Described to lye on a Certein side of a Creek River or Branch and begin att a Markt tree and run a Certain Course as Suppose North one hundred Perches up or Down the said Creek or River to another markt tree by the River side which second Markt Tree is known and really stands by the Water Side and make the breadth of the Land within fifty ꝑ Cent, there the second line supposeing East shall be drawn from the second Tree the Certein number of Perches supposing one hundred and fifty and from the end thereof South till it Intersect a line drawn also East from the first tree though the said East line last mentioned be more or less in this Case then fifty ꝑ Cent over or under and from that Intersection a Line drawn West to the first Tree, the Water the West and the South line shall be the bounds of such Tract

and all such Tracts in Cases Paralell, because that Generally Lib. L. L.
takers up of such Backward Land have so allowed the Tracts
fronting the River to Lye and that with good reason and as
for the reasonableness of it it Cañot be otherwise Enacted so p. 213
if it should be otherwise Enacted it would make a General
Confusion in all backward Lands bounded first upon the frontier
Tracts and then one upon another and in the Cases aforesaid,
although there be a great Variation, betwixt the prescribed
Course and the Reall Course from the first to the Second
Tree, Yet all the Land betwixt the said Trees, by its generall
bounding on the Water shall be adjudged part of the said
Tracts and afterward from the Second Tree it shall be determined
by Lines as aforesaid as in the fifth and Sixth Example.
And if a Tract of Land be layd out for a Certein number of
Acres on such Courses which though the Length of the lines
yett the Acuteness of the Angles will not make the Certein
Number of Acres Yet the Tract shall be Confined by such
Bounds as Supposing the first line be North fifty perches and
north East or North North East or the like Eighty perches and
so paralell and yett the Owner shall be Contented and all
Latter Surveys adjoyning to such Lines shall be good as in
the 7th Example And if any man have a greater number of
Perches Given him in length or in breadth by Express Words
then he ought to have yet he shall hold the same against any
Latter taker up and against the Lord Proprietor Rendring
Rent as Suppose North fifty Perches then East Eighty Perches
and so lines Paralell for one hundred Acres as in the Eigth
Example Every man That hath an Island Intirely granted unto
him altho he have Surplusage shall hold the same although
lines or Courses or Number of Perches be not Rightly Exprest
to Conclude the same against any later taker up and against
the Lord Proprietor Rendring Rent If his Lordship shall for
discovery of such rent Cause the same to be resurveyed, and
his Lordship his heirs or Successors shall not for any Surplusage
intirely Damn or Confound any Pattent upon pretence of
being deceived in his Grant or any other pretence because
every man had Land granted him, in Consideration that by
performing Condition of Plantations it was due to him Except
where his Lordship hath Granted any Lands Ex mero Motu p. 214
de Gratia Especiali And whereas by this Act is Provided
that if any man hold fifty ꝑ cent above his number of Perches
betwixt his known bounds he shall Maintaine the Same against
any later taker up &c. And will not resurvey his Land in Due
time, but that the Lord Proprietor grant the Surplusage to
another yet if the first Taker up have Seated his Plantation and
made his Improvement after the Certein number of Perches is
Determined Yet the Surplusage shall not be said to be there

Lib. L. L. onely after such Determination of such number of Perches because after the Surveyor hath once by description as it were Shap'd the Land it is then all granted att once uno flatu and the Surplusage shall be Assigned by a Iury Intirely to lie together but to the least detriment of the first Grantee, and if a Certein number of Perches in any Case be prescribed to run by a Creek River or Branch side and no Markt tree nor Certein Course Exprest the said Number of Perches shall not be spent away by the Severall windings of the River Creek or Cove but brought to a Streight line of that length or else be regulated by the other Courses, as in other Cases is Provided. If Land be bounded by a Creek or Cove running a Certein Course or Number of Perches, as Supose North one hundred perches if that Branch Creek or Cove wear out and Expire or unreasonably winde above five points from the Course into the Land before the number of Perches be Determined so that there be no Certeine running Constant Stream or Certein Bed or Channell of a Stream Continuing to the end of the line or p. 215 if there be such a Windings as aforesaid in Cases the line shall be the Bounds from the Beginning to the Ending, Provided That all the Adjacent (Lands betwixt the Creek and the line before it Comes to Slant over the Branch Creek or Cove shall be Added and taken to be part of the Land that is, So farr as the Creek includes as in the Ninth Example) If Land begin att a Markt Tree by a River Creek Branch or Cove and so go up or down the said River Creek Branch or Cove to an other Markt tree att the mouth of a Creek or Cove to another markt tree att the mouth of a Creek or Cove and then be prescribed to run a Certein Course and number of Perches by the said Creek or Cove and the Spending away of the number of Perches upon the Winding of the said Creek or Cove would Shorten the line from Extending farr enough into the Woods and the Creek Winds outwards from the Land and Varying from the Course in this Case the full line and prescribed shall be run out and from the end of that line shall be drawn a line reverse to the next Course which is to be run till the line reverse Intersect the said Creek or Cove and by that intersection it shall describe how farr, that Tract shall be bounded by the Creek &c and the rest of the bounds shall in such Case be Ascerteined by the fourth Example, as suppose from the second Tree att the mouth of a Cove &c the line proscribed East one hundred and Sixty perches by the Cove and bounded by the Cove and the said Creek winds away East North East and East line of one hundred and Sixty Perches shall be run out and if from the End of the East line the Course should be South then there shall be first a line drawn North to the Cove and that North line shall describe att the place where it intersects the Cove how farr that Tract shall be bounded by the Cove and then att the Intersection the South line shall be begun and Continued till it Intersects a Line drawn East to the first Tree and in the fourth Example aforesaid allways Provided the South line be not fifty ꝑ Cent more then it ought to be but if the South line be fifty ꝑ Cent more then it ought to be then the South line shall be the bounds and not the Creek or Cove and if the South line go to the Westward of the first Tree then the East line afores^d shall be further Extended that the South line may att least Come to the beginning Tree. In all Cases where positive Eye Wittness cañot be had, their Tradition all Evidence Viva Voce Concurring with and agreeable to record shall be Accounted good Proof declareing from whom they had their Tradition and not Affirming any Markt Tree or Bounds other then or differing from what is Exprest on Record and where the first Markt Tree is wanting and the beginning Cañot be reasonably Proved but yett a second or third Markt tree is found the tree so found shall rule the bounds of the whole Tract according to the rules of this Act mentioned or hereafter to be mentioned where a man holds a Peninsula or Neck of Land and have Severall Markt or lined Trees upon the Points or Capes of his Tracts which do not very Exactly agree in Course or Distance and yet by good Evidence prove his Exterior bounds and the whole neck as it is Comonly Called or Peninsula be granted to him there all things shall be favourably Interpreted to his holding the whole neck ag^t any later taker up although he hath built and Improved because it is unreasonable a second Taker up for a Small Skirt of Land shall have the same advantage of Range as the other but yet if the Second taker up be ejected the first shall not have any Action of Trespass against him Except the Court which Gives Judgement upon the Titles being the Same Court That Judgment is given and not after in due forme moved all on such Action to be brought upon the Consideration of the reasonableness of the Matter and that is humbly prayed to be thus Enacted, Because Such Peninsula or Necks of Land do not fall under any Ordinary Rule of Regulation Provided that nothing be Allowed of which is directly Contrary to any other rule of Regulation or Clause of this Act, And if any Tract of Land be Described to begin att the upermost or Lowermost Marked Tree of an other Tract when the Record of the former Tract mentions not any Tree markt for the upermost or lowermost Bounds thereof in all Such Cases the second Tract shall begin where the upermost or Lowermost Bounds of the first Tract Terminates by this Act Except it can possitively and very Strongly by good Wittness be proved that thc Surveyor and not the

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Lib. L. L. taker up then and there att the takeing up did marke a Tree for the beginning of the Second Tract, and if the Second Tract be said to bound upon the first yet it shall not be allowed to do so, to the prejudice of any Latter Survey but may Come to its beginning by its prescribed line or lines paralell to the Tract on which its said to bound and the Land betwixt may be Taken up by a Cōmon Warrant as in the Tenth Example by which all Cases Paralell may be adjudged & Determined If a Tract of Land be described to lye on a Certein side of a River Creek Branch with a Stream or Cove and at Last by Generall Bounds is described to be bounded by the said River Creek &c and the first Line is drawn from the River Creek &c. into the Woods and from the River &c. And there are other Courses prescribed, And att Last Come to the River &c. Yett if any of the former Courses Come to the River Branch p. 218 or Cove the Courses shall there Determine and thence by the Water be bounded and shall not pass over, but the Owner shall be Content with what Land is between such Lines and the water be it never so little and apply himselfe (if he please) to his Lordshipps favour for the benefitt of his Warrant as in the twelfth Example. If a Tract of Land be described to begin att a Certein Tree and to run a Certein Course Expressing no Certein Number of Perches till it Intersect another Tract of Land which Course goes Clear from such Lands and no Determinate number of Perches to Limitt the Lines, 'tis a Voyd Survey and shall be Deemed to include nothing by one part of one side & an other Part of an other side of a River Creek Branch or Cove &c If a Tract of Land begin att a Certein Markt Tree running to the head of a Branch Creek or Cove it shall be Determined as aforesaid is described in such like Cases And then if for more breadth it begin Againe att the head of the said River Creek branch or Cove & on the other side thereof the beginning on the other Side shall be adjudged to be right Opposite to the ending of the first side Except there be a Markt Tree Exprest on the second Side to regulate that part otherwise If one Tract of Land be so laid out and the one part of it lyes on the one Side of a former Survey, and an other part of it lyes on the other side of the former Survey and ꝑt is taken away by the said former Survey p. 219 yet the Owner of the second Tract shall hold all that is Clear of the former Survey and all former Surveys whatsoever on both sides for the Land is not Granted Pearch by Pearch as the Surveyor Measures it but the Grant is uno flatu all att once of every Part of it And if any mans marked Tree or Trees stand within an other mans Land the Owner of the said Land in whose Land the said Trees stand shall not on any pretence Cutt Down or destroy the said Tree or Trees Except

he first Give Notice to the Owner of that Land whose Bound Lib. L. L.
such Tree is, and there in his presence Either Plant other Sufficient Locust or Cedar Post or Stone or Stones in the Stead and place of that Tree under the Penalty of Six pounds Sterling to be paid to the Party whose Bounds the said Tree was to be recovered by Action of Debt &c. And it is hereby made Lawfull for every man haveing such Tree or Trees within an other mans Land and haveing a Speciall Warrant of Resurvey or Order of Provinciall Court for resurvey, or order of County Court for Resurvey of their Land to Ascertein his Bounds having Asked leave and being denied with Surveyor Iury Wittnesses and Chain Carriers go on Such Land whereon or wherein his Marked tree stands and from such Marked Tree Measure his Course and distance required Provided he makes all ffences as good and tight as they were found and that he nor any one along with him in Measuring the Same do not Manifest Damage Detriment or harm to the Owner of the Land where on they goe or if Accidentally any damage happen that then in such Cases he proffer and within three days make repairation and Amends And be it Enacted by the Authority aforesaid That no man shall have Ten ꝑ Cent Given him to the precise Number of Perches Except it be by that Addition of Ten ꝑ Cent to reach to a Markt Tree or other Naturall Bounds but if he have no Markt Tree or Naturall Bounds he shall not take p. 220
ten ꝑ Cent to the Damage of any Latter Survey, begin of from the first Survey and run Towards it and there be ten ꝑ Cent betwixt the end of the precise Number of Perches the first taker up shall Enjoy it and in all Such Cases if tenn ꝑ Cent Added to both will make their Land to bound on each other no third ꝑson shall take up or hold any Land betwixt them. And be it Enacted &c. That if any man hold Land by a River or Creek Side Yet so as there lies Marsh betwixt the firme Land and the River such adjacent Marsh shall not be taken up or being allready taken up by any other shall not be held but such Adjacent Marsh shall be Deemed & adjudged Absolutely to belong to the Land to which it is Adjacent and be bounded by the same Courses drawn from the firm Land into such River or Creek as the firme Land is bounded by, Except in Som̄ersett County and upon Delaware and the Ocean. And be it Enacted &c. That if any man hold Land which is bounded or Exprest to be bounded by a Line drawn from a Certein Tree or other individuable Point of Intersections a Certein Course, to a Certein Markt Tree in the Woods and the said Tree or Trees do not Correspond to the said Certein Course or Courses but that the Courses and Trees differ very much as it is too Com̄on and that the Courses prescribed give

Lib. L. L. the Quantity of Land due to the Taker up in Such Cases wherein it is not otherwise before in this Act Provided in Ascerteining the bounds of Lands by the Water Side the p. 221 Lines shall be the Bounds of such Lands and the Trees shall be deserted and one Line shall be drawn from the end of Another because the Errors of such Surveys was in the Misplaceing of Trees Yet so if any Second Taker up hath begun att any the aforesaid deserted Trees and run lines Paralell to the first Taken up Lands and that by this Regulation some part of the Land of the Second Taker up will now fall within the lines of the first Taker up in Such Case the first Taker up shall have no Action of Trespass against the Second Taker up for any Suposed Trespass within his Lines which he Could not have had before but on the Contrary if the second Taker up have made any Improvement on the Land now to be taken away he shall hold his Improvement and all the Lands & all the Land that falls to be within the Lines of the first taker up by reason of this Regulation for such Number of Years as a Iury shall think such Improvement deserves not Exceeding fourteen Years to be reckoned from the time that the first Taker up Resurveyed his Land by a Iury and the Same Iury shall there ore Tenus Determine the Matter. And whereas this may Occasion that some Land may be Clear by or about these deserted Trees or otherwise in Such Cases the Iury or the Major part of them shall determine in Writeing under their hands and Seales what part of such Land happening to be Clear shall be Assigned to the Taker up to take up againe by Common Warrant and what part shall be Assigned to the second Taker up to take up againe in like mañer which by this Act they are Impowered to do to make good what Disadvantage may happen to either part and no other person for a Year and a day after shall Take up any the Land So p. 222 Assigned and if they doe it shall be of no Effect nor shall any Grant for the same upon any such Surreptitious Survey be of Validity in Law And if the first Taker up do not within a Year and a day after the Publication of this Act in the County where such Land lyes resurvey his Land and Ascertein his Bounds th^t then after one Year and a Day Expired the second Taker up (may if he pleaseth) for Certeinties sake Cause the same to be done att his own Cost and Charges And be it Enacted &c That the Justices of each respective County Court may Grant a Warrant of Resurvey and a Venire for a Iury if required where the reason of resurvey is onely Ascerteining of Bounds According to this Act the Petitioner onely paying to the Clerk Sixteen Pounds of Tobbacco for his Warrant and thirty Pounds of Tobbacco or Two Shillings Six pence to the Commissioners towards Supporting their Expences and where the Warrᵗ of Resurvey is Granted as aforesaid there the Surveyor shall have onely such ffees as in a primitive Survey any Law Statute or Custom to the Contrary Notwithstanding And shall Certify that by Virtue of such Warrant he hath resurveyed a Tract of Land Called A: first layd out for B: described to lye and be bounded as followeth (here the Scituation and Bounds of Lands to be Expressed) and that he hath resurveyed & regulated the same according to the first second or other Example of the Act for Regulateing and Ascerteining &c. which Certificate with a faire Platt shall be returned to the Examiner of the County and being Approved by him to the County Clerk to be Recorded And to that end, Be it Enacted that the Governor for the time being may Constitute and appoint one Discreet person to be Examiner of the sᵈ County and to do therein as to such Office belongs &c Takeing for his ffees for every such Certificate fifty pounds of Tobbacco if the Same be for five hundred Acres or under and one hundred pounds of Tobbº if the Same be above five hundred Acres and the Examiner shall keep a fair Book and Record the Certificate and Plat And be it Enacted &c That if any Person hold a Tract of Land which on any line is said to run a Certein Course and Certein Number of Perches to an other mans Land And that Certein Number of Perches and fifty ꝑ Cent added on the same Course to that line do not Come to the said Land Yet the Number of Perches give the quantity of Land which the Taker up had due to him he shall be Contented with his precise number of Perches and shall not Extend his line further to the Damage of any Latter Survey although his Survey be said to be bounded by the other mans Land, but the Land betwixt being Surveyed by Comon Warrant shall be Sure to him that Surveyed it, Provided That is not allready Taken up he shall have a Year and a Day from the Publication of this Act to take it up by Comon Warrant Except in such Cases as falls under the Regulation of the Eleaventh Example And if any Owner of Land perceiving that he hath more breadth betwixt his trees which gives him more Land then was due to him att first have allready whilst he was owner of the first Tract by Common Warrant taken up the Surplusage he shall by Virtue of such Survey and his Lordships Grant hould the same According to his Grant Notwithstanding the said Land seem to have been formerly Surveyed but there shall not be made any other line then is Expressed in the record of Survey to joyne the Land together. And be it further Enacted &c. That no Warrᵗ or Grant to alter any Survey upon pretence that the Surveyor hath not taken up the Intended Land or was Mistaken in Prescribing his Courses

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Lib. L. L. or any the like pretences shall take Effect or be good in Law to the altering the Bounds of any Land to the Damage of any later taker up that hath Seated and Improved where the Area of such first Survey, includes Considerable Land of any quality and hath but one Markt Tree But where such Area includes no Land att all but Watter there the Mistake was manifest and it shall be adjudged in Case of difference according to the Intent of the Surveyor Manifestly so proved & adjudged Notwithstanding If any man have two well known Trees by the Water side Markt for his breadth of Land and hath Seated Improved and paid Rent and quietly for seaven Years Enjoyed the Land, Betwixt the said Trees and Yet by some Error or Mistake in the Surveyor or Clerk the said Land is Exprest in the body of his Grant or Pattent to begin at one of the said Trees and run to the other but the Line prescribed runs directly Contrary (that is to say) in ruñing up the said River Creek &c. Instead of Down the River Creek &c. or down instead of up to the second Tree and leave out the Intended Land where such Mistake is Manifest and the first Taker up hath as aforesaid Seated and Improved betwixt the said Trees and never Claimed other Land by Virtue of th^t^ Grant but the Land betwixt the said Trees the first taker up shall enjoy it as if no such Mistake had been and if there be any other Errors in his back lines it shall be Regulated as in like Cases is before Exprest for other Land and the Second Taker up may p. 225 by Virtue of this Act and his Lordshipps favour make use of his Warrant Elsewhere and the first taker up shall reimburse the Second his reasonable Charge for letting his Survey fall to be Adjudged by the County Court upon his Petition or Motion the first taker up being first Called and heard and after such Iudgment award Execution by fieri facias or Attachment, but Yet if such Second Survey have been made above Seaven Years before this Present Sessions and hath been Seated and Improved by the Second Taker up and never yet Seated and Improved by the first Taker up or his Assignes, then the first Taker up and not the Second shall be putt to seek for the benefitt of his Warrant Elcewhere And this word up the River Creek &c Instead of Down or Down instead of up shall not Vitiate any Grant or Deed by which Land is Conveyed from one man to an other where the rest of the Words in the said Grant or Deed Manifestly Imply it onely to be a Mistake and the first taker up shall rectify his Survey and take a New Grant which shall be under the same Rent and no other Provided allways And be it Enacted That nothing in this Act Conteined shall alter Change, Make Voyd, make Erroneous or defeat any Judgment Given and recovered in the Provintiall Court before the makeing of this Act nor make Void any

Arbitration or award under hand & Seale given before the Lib. L. L. makeing of this Act, although such Judgments and awards are given Contrary to the meaning of this Act but all such Iudgments and all Such awards tho: they might not otherwise be good about Land shall be and are hereby Confirmed other Errors in Law Excepted, Provided such Awards shall within a Year and a Day be Recorded in theire respective County Records after the Publication of this Act and Acknowledged in open Court by one of the Arbitrators or Umpire. And if p. 226 a Certificate be so defective that one whole line be left out yett if the other lines be soe Exprest that they show what Length and breadth were designed, and that the Length and breadth would make out the quantity of Land which the taker up had due to him and the lines Exprest do infer to Com̃on reason and Sence, that the lines were left out by mistake, in all Such Cases the first taker up shall hold his Land ag^{t} any later taker up as if the Certificate were good and intire. And if any Man hold a Tract of Land which is Exprest to be bound on another Tract and to begin att a Markt Tree Standing in the line of that Tract on w^{ch} it is said to bound but the first Markt Tree Cannot be proved nor found Yet if any other markt Tree of the Tract be found and proved That found and proved Tree shall rule the Bounds of the Tract yet so as onely the Precise Number of Pearches shall be held but if no tree be found the Owner may Resurvey & lay it out again Beginning in the line where it was at first said to begin But it shall then be Accounted Latter then any other Survey in them Parts and the taker up shall not intrude nor hold part of any Tract of Land whereon a Plantation is Seated and whereof there is Certein Prooff of the Bounds because a Certeinty is to be Preferred before an uncerteinty But what Land he shall include by his Survey Clear of other Tracts he may hold for ever by Virtue of his first Warrant and the like shall be p. 227 adjusted in all Paralell Cases where no Tree is to be found if the Owners shall think it any Advantage by Saveing his Warrant but then after Such resurvey he shall not pretend to his former survey any more forever Yet if any Such Markt Tree was said to begin in the Point of a fork, att the Mouth of a Creek or Such other place which is as it were a Naturall Beginning there if no tree is found Yett if the Place is Certeinly known and Proved a Iury shall find a Point or Prick to begin at, most agreeable to the descripcõn in the Certificate of Survey or Grant of the Same no Evidence Admitted to prove a Markt Tree where the Record Expresses none And Lastly Be it further Enacted &c. That if any Controversy happen about the Bounds of Land, whereof there is no parrell within this Act The Provincial Court shall not Give Judgment therein but

Lib. L. L. it shall be putt to the Assembly to be determined by an Act and to be made a President for the future.

An Act for Setling Assemblys and Provinciall Courts att the Porte of Annapolis in An Arundel County.

Be it Enacted by the Kings most Excellent Ma^ty^ by & with the Advice and Consent of this present Generall Assembly and the Authority of the Same That the Porte of Annapolis in Ann Arundell County be the Chiefe place and seat of Justice within this Province for holding Assemblys and Provinciall Courts And That all Writts pleas and Process Issuing or that p. 228 has issued out and returnable to the Provinciall as aforesaid or to the Court of Chancery shall from the end of this Present Sessions of Assembly Continue and be made returnable to the Porte of Annapolis in Ann Arundell County af^d^

An Act of Gratuity to Colonel Ninian Beall.

Whereas Colonell Ninian Beall has been found very Serviceable to this Province upon all Incursions and Disturbances of Neighbouring Indians and though now grown very Aged and less able to performe, Yet Continues his Resolution even beyond his Ability to do the like Service att this Iuncture of Affaires it is therefore thought fitt in Point of Gratitude, for Such his good Service done and towards his Supporte & Reliefe now in his old Age to make him an Allowance out of the Publick Revenue of this Province Be it therefore Enacted by the Kings most Excellent Ma^ty^ by and with the Advice and Consent of this present General Assembly and the Authority of the Same, That M^r^ William Hutchison a Member of this house as a Trustee for and on the behalfe of the said Col Ninian Beal hath hereby Given to him full power and Authority to Procure and Purchase three good Serviceable Negro Slaves for the Proper use and benefitt of him the said Col^o^ Ninian p. 229 Beal for and dureing his Naturall life and after his decease to the use of his wife dureing her Naturall life and after her decease then the said Negros & Slaves and their Encrease to the Sole use and Benefitt of their Child or Children according to the request or Desire of him the said Ninion Beal by Will or otherwise and for that end and purpose the said William Hutchison hath hereby full power and Authority to draw a Bill or Bills for the Sum̄e of Seaventy five pound Sterling upon the Treasurer of the Western Shoar who is likewise hereby required to Yield and Pay the Same out of the Publick Stock of this Province for which he shall be Allowed and have Lib. L. L. Creditt in his Acc^t Currant att the Rendring thereof as ꝑ Act of Assembly he is obliged And be it further Enacted by the Authority aforesaid by and with the Advice and Consent aforesaid That the said Negroes and their Increase shall not dureing the life of the said Ninian Beal or his wife be taken in Execution for any Judgement or Attachment whatsoever Obteined or hereafter to be obteined any Law Statute or usage to the Contrary in any wise Notwithstanding.

To his Excellency Nathaniel Blakiston Esq^r Captain Generall and Governor in Chief in and over his Matys Province of Maryl^d and hon^{ble} Councill and to the Worshipfull the House of Delegates in Assembly.

The humble Petition of Henry Wallice of Kent County Planter.

Sheweth.

That whereas the R^t Hon^{ble} the Lord Proprietor by his Pattent under his Broad Seale bearing date att the City of S^t Mary's the first day of February in the Year of our Lord one p. 230 Thousand Six hundred Eighty five did give and Grant unto one Thomas Jackson late of Plimouth in the Kingdom of England Marriner all that Tract or Parcell of Land Called Boothbies fortune lying in Talbott County now in Kent County and on the South Side of Chester River, on the Western Side of the Southermost Maine Branch of the River Called Andover Branch beginning att a Marked Oak Standing near the Branch and ruñing for breadth West South West Two hundred and fifty Perches to a Marked Oak and from the said Oak with a Line drawn South South East for length three hundred and Twenty Perches and from the end of the Said Line by a Line Drawn East North East Two hundred and fifty Perches to the Branch then North North West down the Branch Three hundred and Twenty Perches to the first bounded Tree Conteining and laid out for five hundred Acres of Land more or less According to a Certificate of Survey thereof Returned into the Land Office bearing Date the Second day of June one thousand Six hundred Eighty five and their remaining upon Record Relation being thereunto had doth and may att Large Appear And whereas afterwards (To witt) the first day of Ianuary in the Year of our Lord One Thousand six hundred Eighty six the said Thomas Jackson for and in Consideration of the Sume of Twelve Thousand pounds of Tobbacco to him in hand paid and Secured to be

Lib. L. L. paid by Your said Petitioner Henry Wallice did by his Deed Endorse on the back of the aforesaid Pattent for himselfe his heires Executors and Administrators make over and Assigne unto Your Petitioner by the name of Henry Wallice of Tal- p. 231 bott County Planter all his Right Title and Interest to the Land mentioned in the aforesaid Pattent to him the said Henry Wallice his heires Executors and Assignes to have hold occupy and Enjoy for ever which indorsment is Affixed under the hand and Seale of the said Thomas Jackson Dated the Day and Year Last mentioned relation being thereunto had it doth and may more fully and att Large approve, And forasmuch as in Some Small time Afterwards and before the said Thomas Jackson could Convey and make the aforesaid Land over to your Petitioner According to Law in that Case made and Provided, the said Thomas Jackson died and left Issue one George Jackson his Son and heire And for that the said George Jackson the Eldest Son and heire of the said Thomas Jackson as aforesaid lives Remove from the Province in Parts beyound the Seas to Your Petitioner unknown, so that he Cannot be Compelled to make good the aforesaid Grant according to the true Intent and meaning thereof. Your Petitioner therefore humbly Prays the Same may be by an Act of this ꝑ^r^sent Generall Assembly Rattifyed and Confirmed Be it therefore Enacted by the Kings most Excellent Ma^ty^ by and with the Advice and Consent of this present Generall Assembly and the Authority of the same That the said Recited Sale or Grant of the said five hundred Acres of Land and Premisses by the said Thomas Jackson to the said Henry Wallice his heires and Assignes forever so as aforesaid sold and Endorsed on the Pattent aforesaid be and is hereby rattifyed and Confirmed to all Intents and Purposes According to the Tenor and true meaning thereof and that the said Henry Wallice his heires and Assignes shall and may Peaceably and p. 232 Quietly have hold use Occupy Possess and enjoy the aforesaid five hundred Acres of Land and Premisses for ever Against the said Thomas Jackson his heires and Assignes and against all other Persons whatsoever Claiming or to Claime from by or under him them or any or either of them.

An Act for Continuing the late Act for Imposing three Pence ꝑ hh^d^ upon Tobbacco to the use of his present Excellency from the time of his Arrivall here to the End of this Sessions of Assembly

Whereas by Virtue of a late Act of Assembly Entituled an Act for Settling a Revenue on his Matys present Governor an

Imposition of three pence ꝑ hh^{d} was Granted to his Excellency Lib. L. L.
Col° Francis Nicholson late Governor here the payment
of which said Impositions has since his Ex^{cy} leaving this Government
been Continued and no Disposition thereof made Be
it therefore Enacted by the Kings most Excellent Māty by and
with the Advice and Consent of this Present Generall Assembly
and the Authority of the Same That the said Act be hereby
Continued in full force till the End of this Sessions of Assembly
to the onely use and benefitt of his Present Excellency
That the said Imposition and every Part thereof the which has
become due and payable by the Continuance of the said Act p. 233
Since his Excellency Col° Francis Nicholson left this Government
be paid and delivered to his Excellency Col: Nathaniel
Blakiston his Matys Present Governor by such Officer or Officers
or other Person or persons whatsoever Imported to Collect
and receive the same as by the said Act is directed any
Law usage or Custom to the Contrary in any wise Notwithstanding.

An Act for Raising a Supply towards the defraying of the Publick Charge of this Province and to prevent too Great a number of Irish Papists being Imported into this Province

Be it Enacted by the Kings most Excellent Ma^{ty} by and
with the Advice and Consent of this present Generall Assembly
and the Authority of the same That from and after the
Publication hereof all Masters of Ships or others Importing
Irish Servants into this Province by Land or by Water att the
time of their Entry shall pay unto the Navall Officer for the
time being belonging to such Porte or place where they make
their Entry the sum of Twenty Shillings Sterling ꝑ ꝑoll
Towards the defraying of the publick leavy of this Province
for every Irish Servant soe Imported on penalty and forfeiture
of five pounds sterl ꝑ poll for every Servant So Concealed att
the time of his Entry aforesaid the one halfe thereof to be
Appropriated to the uses afores^{d} the other halfe to the Informer p. 234
or him or them that shall sue for the same to be
recovered in his Ma^{tys} name in any Court of Record within
this Province by Action of Debt Bill Plaint or Information
wherein no Essoyne Protection or Wager of Law to be
Allowed. And Be it Enacted by the Authority aforesaid that
for every Negro so Imported into this Province either by Land
or Water the Importer or Importers of such Negro or Negros
shall pay unto the Navall Officer aforesaid the Sume of Twenty
Shillings per poll for the use aforesaid on penalty and forfeiture
of five pounds Sterling ꝑ ꝑoll for every Negro and kept

Lib. L. L. back or unaccounted for to be Applyed for the uses aforesaid and to be recovered as aforesaid And be it further Enacted by the Authority aforesaid That from and after the Publication hereof all Masters of Ships or other Vessells that shall either by Land or Water Importe any Rum̄e or Wine into this Province shall pay unto the Navall Officer aforesaid where they make their Entry the sum̄e of three pence ꝑ Gallon for every Gallon of Rum or Wine So Imported into this Province as af^{d} to be Applyed to the uses aforesaid Liquors from England allways Excepted And be it further Enacted by the Authority aforesaid by and with the Advice and Consent aforesaid That all Ships or other Vessells which have been built in this Province or hereafter shall be built as af^{d} which are Solely and Wholy belonging to the Inhabitants thereof shall be wholy Exempted and Acquitted from Paying the Imposition of three p. 235 pence ꝑ Gallon af^{d} And be it further Enacted by the Authority aforesaid That no Rum or Wine upon which the Dutys aforesaid are Assessed shall be Landed or put on shore out of any Ship or other Vessell which shall Importe the Same or any other without due Entry thereof Made with the Officer hereby Appointed (upon Oath of the Said Person or Persons Importing into this Province any of the aforesaid Liquors) for Collecting of the Same in the Porte or Place where Such Liquors shall happen to be Imported as aforesaid or before the Duty due and payable for the same be Satisfyed or Secured to be Satisfyed and a Warrant for the Landing thereof be Signed by the Officer for that purpose appointed upon Pain and Perill that all Such liquors Landed and put on shore Contrary to the true Intent and meaning of this Act shall be forfeited and Lost or the full Value thereof one halfe to be Appropriated towards the defraying of the publick leavy of this Province and the other halfe to the Informer or him or them that shall sue for the Same to be recovered in his Matys name in any of his Ma^{tys} Courts of Record within this Province by Action of Debt Bill Plaint or Information wherein no Essoyne Protection or Wager of Law to be Allowed And for the better Encouragement of all Masters Merchants Owners and other persons whatsoever to make due Entrys and payment of the Dutys Rates & Imposts raised by this Act in Consideration of Leakage and other Damages the Officer is hereby Authorized and Impowered to make Allowance and Abatement of Twenty Gallons in every hundred Gallons of all Such Liquors So to be duly Entred as aforesaid and the said Officers hereby Appointed for Collecting and Gathering the Dutys afores^{d} shall p. 236 and are hereby Impowered upon any Suspition of fraud or deceipt by any Importer Owner or Proprietor of any such Liquors in Concealing and not makeing due Entry of the Same to go and

Enter on Board any Ship or Vessell or into any house or Lib. L. L. Warehouse on shore and from thence to Seize bring on shore or Secure all such Liquors for which the Dutys aforesaid are not duly Paid or secured to be paid as aforesaid and that the said Officers and their Deputys may freely stay and remaine on board untill the goods are delivered & Discharged out of the said Ship or Vessell and all Officers as well Military as Civill of this Province and all Masters and Officers of Ships are hereby required and injoyned to be Aiding and Assisting to such Navall Officer in discharging of their Duty af^d^ for all which the said Officers and others Assisting them shall be saved and kept harmless by Virtue of this Act And be it further Enacted by the Authority aforesaid That all such Navall Officers shall Give Good Security to the Governo^r^ of this Province for the time being and shall take their Severall Oaths well and faithfully to gather the Impost So ariseing by Virtue of this Act or any Clause herein Conteined and adjust and faithfully to Accompt twice a Year & to give and Render to the Publick Treasurer of this Province for the time being Authorized for receiving the said Impost for which the s^d^ Treasurer shall have for his Sallary four pounds ꝑ Cent who are to give good Bond for the same to be Accomptable and render acc^t^ to the next Meeting of Assembly to be by them disposed of Towards the defraying the Publick Leavy of this p. 237 Province And be it further Enacted by the Authority aforesaid that every Master of a Ship or other Vessell att the time of the Entry of such Ship or Vessell wherein such Liquors shall be imported as aforesaid shall render upon Oath an Accompt of the quantity and quality of such Liquors af^d^ and the Severall and respective Navall Officers within this Province for the time being shall att the time of their Entry of such Ship or Vessell as aforesaid take good and Sufficient Security in his Matys name for the payment of the Imposition aforesaid to such use and Purpose as in such manner and forme as by this Act is appointed all which dutys ariseing by such Imposition upon Liquors as aforesd. shall be Collected and Gathered by the Navall Officers in their Severall and respective Districts for which they shall have for their Sallary Eight pounds ꝑ Cent and no more Provided allways That if any Importer of Rum or Wine into this Province after the End of this Sessions of Assembly and within three months after his Arrivall and Such his Reporte made to the Navall Officer or Such other Officer Legally Impowered as aforesaid to take the Same as aforesaid shall Exporte any of the said Rum or Wine by him Imported as af^d^ It shall and may be Lawfull for every Such Importer by way of Deventure or Draw back money to Stay and Detayne three fourth part of any such Imposition allways

Lib. L. L. Provided that the said Exporter who desireth the benefitt of the said debenture or draw back shall declare on his Corporall Oath to be Adminstred by the said Officer on the holy Evangelist that the said Rum or Wine by him desirous to Exporte is part of the said Wine or Rum by him Imported and made Reporte thereof as aforesaid This Act to Endure for three Years or to the End of the next Sessions of Assembly which shall next happen after the End of the said 3 years.

p. 238 An Act for Speedy Justice for Small Debts

Forasmuch as this present Generall Assembly have taken into their Serious Considerations the great Damage and Inconveniency Accruing to the good people of this Province for recovery of Small Debts by due Course of Law in the Severall and respective County Courts thereof It often happening that such Creditors rather Choose to loose their Just Rights and Creditts then to be put to the trouble to the Sue for the Same and further it doth also appear to be no less Agrievance and Burthen to the Debtor of such Creditors (ꝑsons for the most part indigent and poor) who being frequently sued pay three times more Cost then their Originall Debt amount unto for the redress of both ꝑties for the future and the Imediate and Speedy Recovery of Just rights and prevention of like Aggrievances for the future it is therefore humbly prayed that it may be Enacted And be it Enacted by the Kings most Excell^t^ Ma^ty^ by and with the Advice and Consent of this present Generall Assembly and the Authority of the Same That no County Court within this Province shall hold Plea or have Jurisdiction for the hearing trying or Determining of any Action or Actions before them brought Either by Bond Bill Assumption Reckoning or Accompt wherein the reall Debt or Damages doth not Exceed the Sume of Two hundred pounds of Tobbacco or Sixteen Shillings and Eight Pence in money but that in all p. 239 such Cases it shall and may be Lawfull for any one Justice within the severall and respective Countys wherein the person Debtor doth reside to try here and Determine the matter of Controversy between th^{m} the s^{d} Partys Debtor and Creditor as aforesaid upon Application to him made by any Creditor or Creditors of such Debtor or Debt^{rs} as aforesaid and att the time of Such Application such Justice is also Authorized and Impowered and also Willed and required to issue out his Warrant and Depute Such Person for to Execute the Same as he shall think fitt to Comand and bring before him the person of such Debtor or Debtors and also Sum̄ons to issue out for such Wittness or Wittnesses as either Plaintiffe or Defendant shall have

Occasion to make use of, with power to Administer an Oath Lib. L. L. or Oaths to either Plaintiff or Defendant or to either of their Evidences as Occasion shall require for the better Clearing of the Matter in Controversie before him and upon full hearing of the Allegations of both parties what may or can be given upon Oath in Evidence by both their Wittnesses to proceed as the nature of the Case shall require whose Determination shall be finall all which such Justice of the Peace before whom such matter of Controversy shall be brought shall do the same without any ffee or reward and of such party or Partys against whom Judgment shall be given shall refuse or delay to pay such Debt as shall be awarded against him or them then it shall and may be Lawfull for such Justice of the Peace to Award Execution against the said party or partys for the Debt aforesaid by fieri facias or Capias ad Satisfaciendum Directed to the Sherriffe of the County which said Sherriffe upon p. 240 receipt of Such precept from Such Justice aforesaid shall Imediatly Leavy the Same upon his her or their Goods or Chattells or body as the Nature of the Writt shall require all which Such Sherriffe shall do Ex Officio Saveing to Such Sherriffe his ffees of Imprisonment if the party shall remaine in Custody Twenty four houres And be it further Enacted by the Authority aforesaid by and with the Advice and Consent aforesaid That in all Actions that shall be brought by any person or persons in any of the County Courts of this Province after the publication of this Law wherein upon Tryall it doth appear to the Court that the just Ballance doth not Exceed Two hundred pounds of Tobbacco or Sixteen Shillings and Eight pence in money the Plaintiffe shall be nonsuited and Iudgment shall not be Given in any County Court of this Province to any person or persons for any such Ballance as aforesaid but that the plaintiffe shall be Non suited as aforesaid And be it further Enacted by the Authority aforesaid That in any Action or Actions after the End of this Sessions of Assembly that shall be brought in the Provinciall Court of this Province and upon Tryall it doth appear to the Court that the Just Ballance is under fifteen hundred pounds of Tobbacco or Six pounds five shillings in money the Plaintiff shall be nonsuited as aforesaid And be it Enacted by the Authority aforesaid That his Matys high Court of Chancery within this Province shall not hear, Try, Determine or Give reliefe in any Cause or Causes wherein p. 241 the Originall Debt or Damages doth not amount to the Sume of Twelve hundred and one pounds of Tobbacco or five pounds and one peny in money but that the Judgments of the County Courts of this Province for twelve hundred pounds of Tobbacco or five pounds in money shall be finall any Law Custom or usage to the Contrary Notwithstanding.

Lib. L. L. An Act for Rectifying the ill Practices of Attorneys of this Province and Asscerteining the Attorney Generall and Clerks of the Indictments ffees.

Whereas by a Certein Ordinance of Assembly made att a Generall Assembly held att the Porte of Annapolis the Twentieth day of May in the Year of our Lord 1695 It was ordeined That the Attorney Generall of this Province should have four hundred Pounds of Tobbacco ffee for all Actions he should bring upon Bonds taken in the name of our Sovereigne Lord the King & Put in Suite in the Provinciall Court of this Province to be paid by the party bound in the said Bond and for all Criminall Causes where the Grand jury shall find the Bill in the Provinciall Court the Attorney Generall to have four hundred pounds of Tobbacco and that the Clerk of the Indictments in the Severall & respective County Courts should have Two hundred pounds of Tobbacco of the Criminalls where the Grand jury found the Bill by Colour of the said Ordinance and for lucre of ffees severall Bonds have been putt in Suite without any default and Severall Venires have been issued p. 242 before any presentment of the Grand Jury or any order of Court so that diverse of his Matys Good Subjects of this Province have been unjustly grieved troubled and molested upon every treviall and slight Complaint to the said Attorney Generall and to the said Clks of Indictments for preventing of which great Evill for the future the Delegates of this present Generall Assembly do humbly pray that it may be Enacted And be it Enacted by the Kings most Excell^t^ Ma^ty^ by and with the Advice and Consent of this present Generall Assembly and the Authority of the Same That after the end of this Sessions of Assembly no Sum̃ons or other process for any Criminall matter or misdemeanor shall issue out of any of the Courts of this Province against any person or persons whatsoever w^th^out a presentment be first found ag^t^ the said person or ꝑsons by the Grand Jury unless by a Speciall Order of Court and if the Attorney Generall or any other Attorney of the provinciall Court shall issue forth Sum̃ons or any other Process ag^t^ any person or persons and no Presentment or Order of Court appears upon the Record to Iustifie the Same the said Attorney So offending shall forfeitt and pay for such his Offence the Sum̃e of five Thousand pounds of Tobbacco the one halfe to his Sacred Ma^ty^ Towards the defraying of the publick leavy of this Province the other halfe to the party grieved or to him or them that shall informe or sue for the Same to be recovered in the Provinciall Court of this Province by Bill Plaint or Information and if any Clerk of Indictments p. 243 in any of the County Courts of this Province or any other

Attorney Practicing in the said Courts shall issue forth any Lib. L. L. Sum̄ons or other Process ag^{t} any Person or Persons for any Criminall Matter or Misdemeanor without Presentment be found first by the Grand Iury against the said Person or ꝑsons or Speciall Order of Court Appearing upon Record to Justify the same the said Clerk of Indictments or other Attorney so offending shall forfeitt and pay for such his Offence the Sume of Two thousand five hundred pounds of Tobbacco the one halfe to his Ma^{ty} towards the defraying the County Leavy the other halfe to the Party Grived or to him or them that shall informe or sue for the same to be recovered in any Court of this Province wherein noe Essoyne or Protection shall be allowed neither shall the party so offending have any Appeale or Writt of Error but the Iudgment of the County Court shall be definitive therein and if the Clerk of the Provinciall Court of this Province or any of the Clerks of the County Courts of this Province shall issue out Sum̄ons or other Process in Criminall Causes without an Order for the Same under the hand of an Attorney Practiceing in the said Court or Courts to Justifye the same the said Clerk or Clerks so offending shall be lyable to the Same forfeitures and penaltys of Attorneys so Offending and the said forfeitures to be recovered and to go to the use as af^{d} And be it further Enacted by the Authority aforesaid that the Attorney Generall of this Province shall not recover nor receive any ffee for any Navigation Bond put in Suite either where the Certificate was before the Suite of the said Bonds lodged in the Secretarys p. 244 Office of this Province or where it can be proved that he knew there was Such Certificate returned neither shall the Said Attorney Generall receive or have any ffee for any Bond taken for Country dues where the said Bond appears not to be forfeited which was the true Intent and meaning of the said Ordinance of Assembly and if the said Attorney Generall after the End of this Sessions of Assembly shall sue any Bond taken Contrary to Act of Parliament or any Bond taken for Country dues and no Bills of Exchange Appearing Protested nor no other failure to forfeitt the said Bond or where the said Certificate is returned into the Secretarys Office appointed for keeping the Same any of which Cases appearing to the Provinciall Court the said Attorney Generall shall not onely loose his ffee but pay the hon^{ble} Secrys ffees and what other Charge the party hath been out in defending the Same to be adjudged by the Provinciall Court and whereas Severall ꝑsons have been sued in his Matys name for a Certein Sum̄e without ever mentioning for what the said Bond was taken So that the said Persons do not know w^{t} Courses to take or whome to Applye themselves to therefore Be it Enacted by the Authority af^{d}

Lib. L. L. That when any Writt is issued forth upon a Bond taken in his Matys Name it shall be Endorsed on the back side as followeth, if a Navigation Bond for whom the person was bound for and in What Year if a Sherr Bond att whose request and Prayer it was sued or bond taken in any of his Matys Offices p. 245 in this Province it shall be Endorsed att whose request it was Sued and for want of Such Endorsment the Writt shall abate and the party grieved shall recover his Cost against the Attorney that sued forth the said Writt And be it further Enacted by the Authority afores^d that upon any Presentment of the Grand Jury upon the breach of any of the Penall Laws of this Province Save that for Suppressing of Criminalls and trying of them in the County Court if the ꝑty presented Confesses his Crime and Submitts to the Court the Clerk of the Indictments shall have his ffee for the Same but if the Party Traverse and Putts himselfe upon a Iury then the said Clark to have Two hundred Pounds of Tobbacco ffee and that upon any Presentment grounded upon the Law for Suppressing Criminalls upon any Statute of England if Bill be found by the Grand Jury the Clerk of the Indictments shall have Two hundred pounds of Tobbacco ffee and that upon presentment found in the Provinciall Court the Attorney Generall to have four hundred Pounds of Tobbacco ffee.

An Act of directions for the Sherriffs Office in this Province

Forasmuch as Great Complaint have been made by many the Inhabitants of this Province That great and many inconveniencys have happened and for the future may happen and Accrew to Merchants and other persons Trading into or Inhabiting in this Province who have Severall Debts and Sum̄s of Tobbacco due unto them from Severall persons in this p. 246 Province who for Satisfaction of their said Debts have Paid away and delivered to their Severall Creditors Sev^rall quantitys and hh^ds of Tobbacco and Such hhd or hh^ds of Tobbacco have been received marked and Nailed by Such Merchants and others trading into or residing within this Province as aforesaid and thereupon the said Creditors have delivered up unto the Said Debtors their Bills or other Specialtys given for Security of the said Debts or otherwise the said Debtors have procured releases and discharges for the said Debt Yet Notwithstanding afterwards the Sherriffe of Such County upon pretence of publick Debt due from the said persons Debtors have seiz^d the said Creditors Tobbacco so received marked and nailed as aforesaid and lying in the said Debtors Tobbacco houses and by that means the said Creditors are left without

remedy for recovery of their s^{d} Debt againe to the great dis- Lib. L. L.
couragment of Trade and the prejudice of Such Creditors for
prevention whereof for the future the Delegates of this present
Generall Assembly do pray that it may be Enacted, and Be it
Enacted by the Kings most Excellent Ma^{t}y by and with the
Advice and Consent of this present Generall Assembly and
the Authority of the Same That any person or persons what-
soever Merchants or others within this Province that have att
any time within Twelve months Last Past received marked or
Nailed or for the future shall receive Mark or Naile any hh^{d} or
hh^{ds} of Tobb^{o} within this Province of any person or persons
Debt^{rs} within the Same and which hath been paid & Deliv^{r}ed p. 247
to them for Satisfaction of their said Debts and Such Merch^{ts}
or others have upon receipt marking and Nailing such hh^{d} or
hh^{ds} of Tobbacco delivered up their Bills or other Security to
their respective Debtors of their said Debts or if the said Mer-
chants or others have given releases or discharges to their
said Debtors of the said Debt and that before the s^{d} Merchants
or others Could remove the said hhd or hh^{ds} of Tobbacco from
the said Debtors Tobbacco houses if any Sherriffe shall Come
and Seize such Tobbacco so marked and Nailed as af^{d} That
then and in every such Case if the party refuse to make and
give the said Creditors some other full Satisfaction for their s^{d}
Debts it shall and may be Lawfull for any two of his Ma^{tys}
Justices of the respective Counties within this Province upon
due prooff thereof made before them of the said Debt and
Sherriffs Seizure as aforesaid and the party Debtor refusing to
make that full Satisfaction to their Creditors for their said
Debts att the said Creditors request to award him Execution
with Cost such Cost not Exceeding one hundred pounds of
Tobbacco against the body Goods and Chattels of Such Debtor
to be Executed by the Sherriffe for Satisfaction of the Credi-
tors Just Debt & Cost as aforesaid in as full and ample mañer
as if the Debt was recovered by due Course of Law And be it
further Enacted by the Authority aforesaid That no Sherriffe
under Sherriffe or Deputy that Seize any Tobbacco unstript
nor Seize or Mark any Merchant or other Tobbacco received
Marked and Nailed as aforesaid for any Cause whatsoever but
onely for legacys & the Severall Sherriffs are hereby Impow-
ered to break the lock of any Tobbacco house or other houses p. 248
where Tobbacco is or shall be Secured with designe to prevent
the said Sherriffe from Seizing Such Tobbacco for publick
Leavys and many Sherriffs so Seizing and Marking any hh^{d}
or hh^{ds} of Tobbacco Conteining more then what is Justly due to
the Publick for leavys without makeing Satisfaction to the
Person whom such Tobbacco doth belong as by giveing Creditt
or Suffering him to take the overplus out of such hhd of

Lib. L. L. Tobbacco att the Choice of the party paying or owing the Same shall pay for every such default the Sume of Two Thousand pounds of Tobbacco one halfe to his Ma^{ty} for Supporte of the Governm^{t} the other halfe to the Party grieved to be recovered in any Court of Record within this Province by Action of Debt Bill Plaint or Information wherein no Essoyne Protection or Wager of Law to be allowed, And if it shall so happen that any time any Sherriffe shall Seize any hh^{d} of Tobbacco which shall weigh more then Such Leavy or Leavys shall amount unto if the remaining part due to the party or partys from whom they shall receive Such Leavy or Leavys be the greater quantity then and in every Such Case the said Sheriffe or Sherriffs shall take out of the said hogshead Such quantity or Quantitys of Tobbacco due to him for such Leavy or Leavys and the said hhd and the remaining part of the Tobbacco shall be and remaine with the Party or Partys pay- p. 249 ing the Same but if the remaining Part of Such hogshead of Tobbacco so Seized as aforesaid and belonging to the Party or Partys paying the Same shall be the less quantity then is due to the s^{d} Sherriffe or Sherriffs for Leavys as aforesaid then and in every such Case the Owner or Owners of Such Tobbacco shall take out the Overplus of Such Tobbacco and the hh^{d} with the remaining part shall belong to such Sherriffe or Sherriffs receiving the same And be it further Enacted by the Authority aforesaid That no Sherriffe within this Province shall Take Exact receive of or from any person whatsoever ffees Sallary Gratuity or reward for Serving any Writt Warrant or Precept from the Governor & Councill as from any Justice of the Peace or for doing any other thing in any of the Courts of Record upon any Suite or Suites in Criminall Causes but the severall Sherriffs are hereby enjoyned to Execute the same ex-Officio and every Sherriffe Offending shall forfeitt the Sume of one Thousand pounds of Tobbacco for every such Offence the one halfe to his Ma^{ty} his heires and Successors for the Support of Government the other halfe to the party grieved to be recovered in any Court of Record within this Province by Action of Debt Bill Plaint or Information wherein no Essoyne Protection or Wager of Law shall be Allowed And whereas many Litigious persons have and for the future may Comence Actions of Trespass upon the Case rather out of Spite and Malice then any reall Cause of Action and not Setting forth in the Originall Writt the Cause of Such Action yett lay the damage to a Vast sume to deterr persons from being Baile thereto for prosecution whereof for the future p. 250 be it Enacted by the Authority aforesaid That in all Actions of Trespass upon the Case where Damages are laid to be above four Thousand pounds of Tobbacco if no Declaration be sent with

the Writt Expressing the True Cause of Action the Sherriffe Lib. L. L.
shall not require a Baile Bound Exceeding the Sum̄e of Eight
Thousand pounds of Tobbacco all tho the Damage be laid in
the Writt for any greater Sum whatsoever and any Sherriffe
Offending herein shall forfeitt the sum̄e of four Thousand
pounds of Tobbacco the one halfe thereof to his Ma^{ty} his heires
and Successors Towards the Supporte of Governm^{t} the other
halfe to the party grived to be recovered in any Court of
Record within this Province by Action of Debt Bill Plaint or
Information wherein no Essoyn Protection or wager of Law to
be Allowed And to the end that Publick Creditors may be
Speedily Satisfyed their debts due from the Publick Be it
Enacted by the Authority aforesaid That every Publick Creditor
in this Province shall be att his Election to make Application
to the Governor of this Province for the time being to put
Such Sherriffe Bond or Bonds in Suite or otherwise may
Imediatly have an Action of Debt ag^{t} Such Sherriffe in the
County where the fact Ariseth for such publick Tobbacco as
shall be due to such Creditor And to the end th^{t} no Officer or
other Person may be Surprized or unjustly molested either
upon the Acc^{t} of Payment or Collection of Publick dues be it
likewise Enacted that no person or persons haveing publick
Tobbacco to them due or ffees in any Sherriffs hands to Collect p. 251
and that do not Sherrif to such Sherriffe or Sherriffs their dependance
and resolution of Makeing use of the Same on or
before the five and Twentieth day of December in the Year
the Same shall to him or them be due shall have Take or
Demand any benefitt or Advantage by this Act Allowed for
that present Year and so every Year Successively nor shall the
Sherriffe of any the respective Countys leavy by way of Execution
for any publick dues or Officers ffees or from any the
Inhabitants within this Province where they have not made a
Demand thereof att or before the Twentieth day of January for
the p^{r}sent Year & so every Year Successively And where any
person haveing publick Tobbacco or ffees in such Sherriffs
hands and have made their Demands thereof as aforesaid or
the said Sherriffe demanded any Publick dues or Officers ffees
of the respective Inhabitants within his Bailywick within the
times before limitted such Demandant shall be obliged to take
the Same and discharge such Debtor for such and so much as
shall be by him received and upon refusall of receiving thereof
the said Tobbacco so Intended to be paid as aforesaid being
Viewed and found Merchantable by Two honest men of the
Neighbourhood shall be Weighed and Marked for the use of
such Demandant and be a Sufficient discharge to the person
or persons paying the Same for Soe much as the Same did
amount unto Provided the Same be tendered on or before the

Lib. L. L. Tenth day of Aprill otherwise such Tobbacco to lye att the Risque of the Sherriffs or others Intending to receive Advantage thereby any thing herein Contained to the Contrary Notwithstanding And be it also Enacted by the Authority p. 252 aforesaid That no Sherriffe within this Province have in his hands any publick Officers ffees to Collect shall presume to leavy by Execution on any the Inhabitants within this Province any ffees to him Comitted to Collect where the person or persons from whom such ffees Appears to be due produce the former Sherriffs receipt or otherwise make appear payment of the Same under the forfeiture and Penalty of Treble the Sume Executed to the Party or partys grieved to be recovered with Cost in any Court of Record within this Province by Bill Plaint or Information wherein noe Essoyne Protection or Wager of Law shall be Allowed And forasmuch as Sherriffs Bonds have of late Years been usually taken in the County Courts for the better Conveniency of the Sherriffs Getting Security without any Certein forme thereof Prescribed be it therefore Enacted That all Sherriffs Bonds hereafter to be taken throughout this Province to be made in Mañer and forme following.

Sherr. Bond a forme } Maryland ss. Know all men by these presents That we A: B, C: D, and E. F: of the County of G: in the Province afores^d Gent are holden and firmly bound unto his Sacred Maty King William the 3^d &c in the full Sum and Just quantity of Two hundred Thousand pounds of good Sound Merchantable leafe Tobbacco and Casque to be paid to his said Maty his heires and Successors To the which payment well and truly to be made we bind ourselves or either of us or either of our heires Executors and Administrators Jointly and Severally for the whole and in the p. 253 whole firmly by these Presents as Wittness our hands and Seals the Day of —— in the —— Year of his said Maty^s Reigne Anoq Dmi. The Condition of the above Obligation is such that if the above bounden A: B: do well and truely Serve his said Ma^ty his heires and Successors in the Office of high Sherriffe of the said County of G: within this Province aforesaid and also shall render unto his said Maty and other his said Officers a true faithfull and Perfect Accompt of all and Singular his said Ma^tys Rights and dues and to his Officers a true and Just Accompt of their fees that he shall or may be Entrusted with by his Ma^tys Governor and other his Officers within this Province aforesaid to receive and Collect and his Accompt to his said Ma^ty his heires and Successors or to his or their Governo^r here for the time being for the fines and forfeitures and other dues belonging to his said Matys Government as also his Acc^t of all ffees dues or Sums of Money or Tobbacco for leavys or ffees due to any his Ma^tys

Officers and other good people within this Province shall pass Lib. L. L. an Accompt for by the Tenth day of Aprill next ensueing the Date hereof and in all other things as Sheriffe of the said County of G: shall behave himselfe well and honestly towards all persons according to the best of his Power Skill and knowledge then this present Obligation to be void and of none Effect or elce to stand in full force Strength and Virtue. Which said Bond when taken in forme af^{d} if by the County Court the Comissioners thereof shall Transmitt the same into the Secrys Office together with all former Sherriffs Bonds by them taken and the said Comissioners are hereby required and enjoyned to take new Security Yearly and every p. 254 Year of Such Sherriffs so long as they shall Continue in the said office haveing Speciall reguard not to admitt any Person to be Security as afores^{d} but such as are good and Substantiall ffreeholders within and also to make the Obligation of Such Bond so to be taken from any Sherriffe answerable to the Public Charge of their Respective Countys. And for Encouragement of Such persons now bearing or that shall hereafter bear the Office of Sherriffe and who shall Punctually Comply with the Publick Creditors it is also hereby further Enacted that it shall and may be Lawfull for his Maties Governor for the time being where no Just Complaint is made against Such Sherriffe to Continue and make Good their Com̄ission for the time and terme of three Year Successively but noe Longer.

An Act Securing the Frontiers of the Province from the incursions of Indians

Whereas there hath lately been a Murther Committed by Indians on the frontier Plantations of Potomock River within this Province for the Prevention of the like for the future Be it Enacted by the Kings most Excellent Ma^{ty} by and with the Advice and Consent of this Present Generall Assembly and the Authority of the Same That Col Ninian Beal and Cap^{t} Richard Owen with twelve Troopers and Six foot Soldiers do range in and about the said Frontier Plantations for the Security p. 255 thereof so long as his Excellency the Present Gov^{r} and the Hono^{ble} the Councill and the Com̄ittee hereafter appointed shall see Convenient to Continue the said Rangers and that the said Rangers shall be Allowed the Sum̄e of Two Shillings and Six pence for each Trooper ꝑ day they finding themselfes horses Arms and Provisions and that the Two Commanders be paid in money Proportionably after the same Rate and that each foot Soldier finding themselves Provisions also be allowed

Lib. L. L. Eighteen pence ꝑ Day to be paid by the Treasurer of the Westerne Shore And be it further Enacted by the Authority Aforesaid by and with the Advice and Consent aforesaid That Thomas Tench Esq^r^ provide for the said Rangers the Quantity of Six hundred weight of Pork and one Thousand weight of Biskett to be deducted out of the Said Rangers pay and to be paid to the said Tench by the aforesaid Treasurer. And be it also Enacted by the Authority af^d^ by and with the Advice and Consent aforesaid That the s^d^ Rangers and foot Soldiers be leavie free dureing the time of their Such Actuall Service and such Amunition dureing such their Actuall Service as their Affaires shall require shall be Allowed them att the Public Charge of this Province and that they the said Troopers dayly Range and in Case any of them be found to Stragle about the Plantations and not performing their Duty they shall loose their days Pay and be further Punished at the discretion of the Chief Comander and that the foot Soldiers be quartered in the frontier Plantations att the discretion of Col John Addison & the Comanders &c And be it further Enacted by the Authority aforesaid That James Frisby Esq^r^ and Col John p. 256 Addison Thompson and M^r^ John Hall one of the Delegates of Baltemore County with what other Persons he shall think fitt be dispatcht with all Convenient Speed to the Susquehannah Indians to ratify and Confirme the league formerly made with them and to enter into Such further Articles as by his Excellency the Governo^r^ and Councill and Com̄itee hereafter appointed shall Propose to them and that a present be given to the said Indians And be it further Enacted by the Authority aforesaid by & with the Advice and Consent aforesaid, That Capt Richard Hill M^r^ Samuel Young, M^r^ George Ashman, M^r^ William Hutchison, M^r^ Thomas Greenfield M^r^ Walter Smith M^r^ Elisha Hall, M^r^ Philip Hoskins and M^r^ Benjamin Hall or the Major part of them be appointed a Com̄ittee to Joyne with his Excellency the Governor & his Ma^tys^ hon^ble^ Councill in Adviseing and Conserting Such Measures as will Suppress any Violence which may be offered to this Province by the Indians after the breaking up of this present Sessions of Assembly untill Such time as the Said Generall Assembly can Possibly be Convened and what shall be Consulted agreed on and done by the Governo^r^ and Councill with the Advice of the Said Comitee is hereby Allowed of and Confirmed by this Generall Assembly this Act to Endure till the next Sessions of Assembly and no Longer.

An Act Prohibiting the Inhabitants of this Province or any others from Carrying Liquors to the Indian Towns Lib. L. L.

Be it Enacted by the Kings most Excellent Maty by & with the Advice and Consent of this Present Generall Assembly and the Authority of the Same That from and after the Publication hereof any Person or Persons Inhabiting or Trading into this Province that shall presume to Carry any Liquors whatsoever to any Indian Forte or Town or within three miles of any such Forte or Town and shall Vend or dispose of the Same to any Indian or Indians whatsoever Such person or persons shall forfeitt the Sum̄e of five Thousand pounds of Tobbacco one halfe thereof to our Sovereigne Lord the King his heires and Successors for the Supporte of Government, the other halfe to him or them that Informe or sue for the Same to be recovered in any Court of Record within this Province wherein no Essoyne Protection or Wager of Law to be Allowed p. 257

An Act for Summoning Grand & Pettit Jurys.

Whereas by Law it appears to be the indubitable Right and Property of the Kings Matys Subjects throughout all his Ma^{tys} Dominions in all Cases either Meum & Tuum or Criminall Matters to be Tryed by their Equalls that is a Grand & Petit Iury And for that the Constitution of this his Ma^{tys} Province will not Admitt of Such ways and Methods as is Practised in the Kingdom of England by reason of the Small number of Inhabitants and diverse other Impediments not to be avoyded Be it therefore Enacted by the Kings most Excellent Ma^{ty} by and with the Advice and Consent of this present Generall Assembly and the Authority of the Same That the Cheif Clark of the Provinciall Court shall issue out Severall Writts of p. 258 Venire facias for two Good and Lawfull men ffreeholders to Serve upon a Grand Jury for the body of this Province and Severall other the like Writts of Venire facias for three like good and Lawfull men to serve upon Pettit Iurys which Writts of Sum̄ons shall be directed to the high Sherriffe of each respective County in this Province by Virtue of Which said Writts the Severall Sherriffs shall Twenty days att least before the Provinciall Court att w^{ch} the said Jurors shall Serve Sum̄ons and give Notice to the said Partie and Partys that they be and appear as by the Writts of Sum̄ons shall be directed (Justices of the Peace and Delegates allways Excepted) and for default thereof the Sherriffe So Offending shall forfeitt and pay a fine of one Thousand pounds of Tob-

Lib. L. L. bacco if it so happen by Casuality or Accident that there shall not appear a Sufficient Number for a Grand Jury Legally Summoned then the Number to be made good and Compleated by the high Sherriffe Attending the Said Court of other persons by Standers of the Same County if any be present but if none present legally qualifyed to serve as afores^d and upon refusall they shall be Subject to the like fines as aforesaid and for Such their Service and Attendance of the Grand Jury att each Court they shall have an Allowance of Three Thousand pounds of Tobbacco out of the Publick Revenue of this Province towards the defraying of their Charges and Expences And it is hereby further Enacted by the Authority af^d that the high Sherriffs of each respective p. 259 County in this Province are hereby Authorized and Impowered to Sum̄ons a Sufficient Number of ffreeholders good and Lawfull men to Serve on a Grand Iury in the County Courts of this Province twice Yearly att the least that is to say att March and November Court & oftener if need require att the discretion of the Justices of the s^d Countys and to sum̄on the said Grand Jurors Ten days att least before each Court for which Service the Justices of each respective County Court shall and are hereby Impowered to make such reasonable Allowance as to them shall seem Meet not Exceeding the Sum̄e of four hundred pounds of Tobbacco each Court and the said Sherriffs neglecting their Office and Duty herein as aforesaid shall for every such Offence forfeitt and pay the Sum̄e of five hundred pounds of Tobbacco and the Party or Partys so refusing to Serve when Legally Sum̄oned shall forfeitt and pay the Sum̄e of Two hundred and fifty pounds of Tobbacco and the like fine to be leavied upon all Petit Jurymen Legally Sum̄oned who shall be Legally Qualifyed as is before in this Act recited and Provided And be it Enacted by the Authority aforesaid that all and every the fines and forfeitures that shall fall or Accrue by Virtue of this before recited Act shall be paid to our Sovreigne Lord the King his heires and Successors for the Supporte of Governm^t Any Law Statute or Custom to the Contrary Notw^th standing This Act to Endure for three Years or to the end of the next Sessions of Assembly which shall first happen

p. 260 An Act for takeing Speciall Bayle in the Severall Countys in this Province upon Actions and Suites Depending in his Matys Provinciall Court.

For the Greater Ease and benefitt of all Persons Inhabiting and resideing within this Province in takeing Recognizances of Speciall Bayle in all Actions and Suites Depending or to be depending in his Ma^{tys} Provinciall Court of this Province Be it Enacted by the Kings most Excellent Maty by and with the Advice and Consent of this Present Generall Assembly and the Authority of the Same That when Speciall Bayle is required by the Provinciall Court by the Plaintiffs Attorney att the Calling over of the Appearance Docquett and that the Court dos rule that Speciall Bayle shall be given and the partys against whom the Rule is that he shall give Speciall Bayle be present the Party Defendant shall then and there give Speciall Bayle in open Court and Shall be Deemed to be in the Custody of the Sherriffe that arrested him in that Action till he give Speciall Bayle as afores^{d} is required but if the said Party Defendant be not able att the said Provinciall Court then and there to procure Speciall Bayle Yet the Said Party shall remaine and be in the Custody of the Same Sherriffe that arrested him and by him in Safe Custody kept and guarded and Carried back into the County where the def^{t} was Arrested and there in Safe Custody kept till he Can Procure Such Speciall Bayle But if the said Party ag^{t} whom such rule is that Speciall Bayle shall be given be not present att the said Provinciall Court then the Sherriffe of that County where the said Party Defend^{t} was arrested may and shall by Virtue of Such Rule aforesaid for Speciall Bayle to be given take the said Party into his Custody againe there keep till he can procure Speciall Bayle according to the rule of Court and for the greater Ease of Makeing and takeing Recognizances of Such Speciall Bayle it shall and may be Lawfull for any person that shall be by his Ma^{tys} Comission appointed one of the Justices of the Provinciall Court of this Province within Such County where Such Justice of the said Provinciall Court shall inhabit and in Case of Death or Absence of Such Justice of the Provinciall Court then it shall be Lawfull for the President of the County Court to take and receive all & Every such recognizance or recognizances of Bayle or Bayles as any person or persons shall be willing or desireous to Acknowledge or make before him in his County in any Action or Suite depending or hereafter to be Depending in the Said Provinciall Court which recognizance shall be Taken in Such Mañer and form as followeth

Lib. L. L.

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Viz^{t} John Doe p̶lt
ag^{t}
Rich^{d} Roe Def^{t} } You A: B: and C: D: and either of you do undertake for the s^{d} Richard Roe defend^{t} in —— pounds of Tobbacco to be leavied on your and either of Your Lands and Tenements Goods and Chattells to the use of the said John Doe the P̶lt upon Condition that if the s^{d} John Doe do obteine Judgment

Lib. L. L. in an Action of Debt or Trespass upon the Case depending in the Provinciall Court against the said Richard Roe the Defendt that then the said Richard Roe shall pay the Condemnation or Deliver himselfe to the Prison of our Sovereign Lord the King or you will do it for him they Acknowledge themselves p. 262 to be Content therewth this —— day of —— 1699 Before me To the Honble Justices of the Provinciall Court. Which Said Recognizance or Recognizances of Bayle or Bayle prizes so taken as aforesaid shall be Transmitted to the Justices of the said Provinciall Court att the next Provinciall Court Sitting when and where such Action or Suite shall be depending which Recognizance or Recognizances of Bayle Prize so taken as aforesaid the said Court shall Receive upon payment of Such ffees as have been recd for the takeing of such Speciall Bayle by the Officers of the said Court and shall be of like force and Effect as if the Same were taken de bene Else before the Justices of the Provinciall Court dureing their Sitting for taking of every such recognizance or Recognizances of Bayl or Bayle Prizes Such Justice of the Provinciall Court or president of the County Court that shall take such Bayle shall receive onely the Sum̄e of five Shillings & no more And be it further Enacted by the Authority aforesaid That the Justices of the Provinciall Court shall make Such Rules and Orders for the Justifying of Such Bayls and making the same Absolute as to them shall seem Meet so as the Cognizor or Cognizors of such Bayle or Bayles be not Compelled to appear in Person in the Provincial Court to Justify him or themselves And it is hereby further Enacted by the Authority aforesaid That Such Justices of the Provinciall Court before whom any Recognizance of Bayle may happen to be taken Such Justice have & Power is hereby given him to Examine the Sureties upon Oath touching the Value of their respective Estates if Occasion shall require any Law usage Custom or Practice Notwthstanding

p. 263 An Act for the Constables takeing a List of Taxables

Be it Enacted by the Kings most Excellent Maty by and with the Advice and Consent of this present Generall Assembly and the Authority of the Same That from and after the publication hereof every Constable within this Province shall att or before the Twentieth day of June in every Year respectively repaire in person to every respective house or habitation within his Hundred and there require of the Master Mistress Dame or other Chiefe person of the family a true List from under their hands of all their Taxable persons they and every of them have within their respective familyes out of which List the s^{d} Constables shall make two faire Lists under his hand Lib. L. L. and the one he shall Send to the Sherriffe of the County and the other shall present to the next County Court to be sett up and if in Case any Master Mistris Dame or other Chief person of a family shall refuse or deny to give such List or in their Absence leave att their Dwelling houses or Quarters such a list and Accompt of their Taxable persons of their Severall familys or in the said Accompt shall Conceale any Taxable person or persons in his or their family for every such Offence not giveing a true list and Accompt of them to the Constables by the time required and for every Taxable person by them Concealed shall forfeitt & pay for every such Offence the Sum̄e of five hundred pounds of Tobbacco for every person so by him or them Concealed and every Constable Neglecting his Office herein shall forfeitt and pay the Sum̄e of five hundred pounds p. 265 of Tobbacco for every Such Offence one halfe thereof to his Ma^{ty} his heires & Successors for the Supporte of Government the other halfe to the Informer or him or them that shall Sue for the Same to be recovered in any of his Matys Courts of Record within this Province wherein no Essoyn Protection or Wager of Law to be Allowed And be it further Enacted by the Authority aforesaid by and with the Advice and Consent aforesaid If any Inhabitant wthin this Province shall from the time herein Appointed for takeing the List of Taxables on the last day of July purchase any Taxable person or persons he or she shall with all Convenient Speed give Notice of the said Taxable or Taxables to the Constable of the said Hundred who is hereby enjoyned to give an Acc^{t} to the next County Court and to the end that no person for the future may be Ignorant which persons are Taxables and what not. Be it Enacted by and with the advice & Consent aforesaid That all Male Children borne within this Province and Resident in it Shall be Taken and Accompted Taxables att the age of Sixteen Years and upwards and all Male Children Servants Imported into this Province att the age of Sixteen years and upwards shall be accompted Taxables and all Slaves whatsoever either male or Female Imported into or borne in this Province att or above the age of Sixteen Years shall be Accounted Taxables and so rated and that all ffreemen within this Province (Except Clergymen and likewise such poor & Impotent persons that receive Alms from the County) shall be Accounted Taxables being above the Age of Sixteen Years

Lib. L. L. p. 267 An Act for the due Recording of all Laws of this Province in the Secretary's Office as also Transmitting the Journall of the house of Delegates into the Secretarys Office

Be it Enacted by the Kings most Excellent Maty. by and with the Advice and Consent of this present Generall Assembly and the Authority of the Same That the Secretary of this Province in whose Custody the Records remaine do att or before the Tenth day of March next Cause all Such Laws and Acts of Assembly as shall be of force att the end of this present Sessions of Assembly to be Entered upon Record in a Large new Book of a Large folio, & good and Substantiall paper well bound either in Leather or Parchment to be writt in a faire Legible hand as also all other Laws hereafter to be made within six months after any Sessions of Assembly that shall hereafter happen to be kept (in the Secretarys Office onely and also Cause the Same to be Examined by the Originall Acts to which the Governor has Affixed the broad Seale and the Same so Entred shall be Signed by the Honb^le^ the Secretary and Sealed with the lesser Seale and that his honour the Secretary Cause a list or Catalogue of the said Laws to be Entred in the said Book and an index or Table Directing to every Act in the Same and in default thereof by the time aforesaid shall pay as a fine for the Same the Sum̄e of Ten Thousand pounds of Tobbacco to be recovered in his Matys name the one halfe to p. 268 his Maty for Supporte of Government the other halfe for him or them that shall sue for the Same and when the Same is so written and done the Said Secretary shall att the next Generall Assembly be Allowed and paid out of the Publick Leavy So much as the s^d^ Secry reasonably deserve. And be it further Enacted by the Authority aforesaid that the Clerk of the house of Delegates for the time being Transcribe the Journall of the Said house within two months after the Prorogation or dissolution of any Assembly now held or to be held hereafter upon penalty of five hundred p^ds^ of Tobbacco to be forfeited and Paid to our Sovereigne Lord the King one halfe of which fines for the Supporte of Government and the other halfe to him or them th^t^ shall sue for the Same to be recovered in any Court of Record within this Province By Bill Plaint or Information wherein no Essoyn Protection or wager of Law to be Allowed.

An Act for Secureing Merch^ts^ and others Tobbacco after they have received it

Be it Enacted by the Kings most Excell^t^ Maty by and with the advice and Consent of this Present Generall Assembly and the Authority of the Same That from and after the Publication Lib. L. L. hereof every house keeper and inhabitant within this Province haveing a Plantation whereon he maketh or Causeth to be made any Tobbacco shall build and Erect or otherwise fitt up p. 269 and make ready a good tight house with a good Door Lock and Key upon every Plantacōn where Such Tobbacco is made as aforesaid and Sufficient to Conteine the Tobbacco made on every Plantacōn And be it further Enacted by the Authority aforesaid That every Inhabitant or house keeper as af^d haveing a Plantation whereon he maketh or Causeth to be made any Tobbacco as aforesaid and that shall pay away and dispose of any Tobbacco to any Merchant Master of Ship Saylor or any other Person whatsoever shall Notwithstanding Such disposure or payment Secure and keep the said Tobbacco as he would do his own Proper Goods for and dureing the Space of one whole year Comenceing from the time of receiving the Tobbacco and no Longer and if any Tobbacco Soe received as aforesaid for the want of Such house as aforesaid should be Damnifyed or Stole the person neglecting to provide Such house shall make Satisfaction to the party that Received the Same Provided allways that nothing in this Act Conteined shall be Construed meant and intended to make any Inhabitant or housekeeper lyable to any Damage which shall or may happen to any Tobbacco So left with him to keep secure through any other Casuality whatsoever.

An Act for secureing the Parochiall Librarys of this Province and that the Care and Charge thereof be Committed to Some worthy & Learned person

Be it Enacted by the Kings most Excellent Maty by & with the Advice and Consent of this Present Generall Assembly p. 270 and the Authority of the Same that the Librarys appointed for the Severall and respective Parishes within this Province shall be and remaine in the hands and Possession of the Minister of the Parish and if any minister be presented appointed or Inducted to the said Parish dureing his residence in the Parish aforesaid who is and shall be obliged to keep and preserve the Said Library from Wast and Imbezlment and be Accomptable for the Same to the Governor and Councill and Vestry as often as required and to that purpose the Said Minister shall Pass two receipts for the Said Books Incerting what they are and the title and Page of the Same one receipt to goe to the Governor and Councill and the other to the Vestry of the Parish to be recorded in their Records and the Said Vestrys are hereby Obliged to Visit the said Librarys Twice in the

Lib. L. L. Year and inspect the Same and in Case of any Damage or
Imbezlment thereof to require and Cause Satisfaction for the
Same to be made and in Case any Minister having the Charge
of Such Library shall be removed from his Charge he shall
deliver the Said Library to the Vestry of the Parish and make
Satisfaction or repairation if any Damage or Wast Suffered
before his Departure out of the Said Parish Except by fire or
Such unavoidable Accident or in Case of the Death of any
Such Minister haveing the Charge of Such Library the Vestry
of the Said parish shall Imediatly take the Said Library into
their Custody and keeping and Pass their receipts for the
Same as above directed and shall in all Points be Answerable
p. 271 for the Same Except by fire or Such like Accident as afore-
said, and for the better preserving and Secureing the said
Librarys the Learned and worthy Doctor Thomas Bray or his
Successor is hereby appointed Chief Visitor of all and every
the Said Librarys wthin this Province And be it further
Enacted by the Authority aforesaid that one Act of Assembly
made att a Generall Assembly held att the Porte of Annapolis
the Sixteenth day of September one Thousand Six hundred
Ninety Six Entituled an Act for Secureing the Parochiall
Librarys of this Province be and is hereby repealed and made
void and of noe Effect.

An Act for Regulating of Ordinarys and limitting the Number of them within this Province.

For the better Regulating Ordinary Keepers and Inholders
within this Province for the future Be it Enacted by the Kings
most Excellent Maty. by and with the Advice and Consent of
this present Generall Assembly and the Authority of the Same
That from and after the publication hereof the Com̄iss^{rs} of
each respective County Court and the Mayor Recorder and
Aldermen of the City of St. Marys att the Mayors Court be
and are hereby Impowered and Authorized from time to time
as often as Need Shall require to grant Licences to Such
person and persons as they shall think fitt to be Ordinary
Keepers and Inholders for the keeping of Ordinarys and
houses of Enterteinm^{t} So long time as in Such and So many
places within theire Severall and respective Countys and City
af^{d} for the Ease and Conveniency of the Inhabitants Travellers
p. 272 and Strangers as to th^{m} respectively Shall seem meet for
which Licences the said ꝑsons that shall be so licenced to
keep Ordinarys Except all Such Persons as Shall keep Ordi-
nary or Ordinarys in the Porte of Annapolis in Ann Arundell
County shall att the time of his or their takeing of Such

Licence or licences be bound and obliged to pay unto the Lib. L. L.
Secretary of this Province for the time being if he or they
keep Ordinary within the Porte of Annapolis in Ann Arundell
County or within the Two Miles thereof the Sum̃e of Two
Thousand pounds of Tobbacco Yearly for a fine for every
Such Licence or if he or they do keep Ordinary within the
City of S^{t} Marys or att any County Court house or att the
Town and Porte of William Stadt within this Province the
Sum̃e of Twelve hundred pounds of Tobbacco And if any
Person or Persons shall keep any Ordinary or houses of
Enterteinment in other Remoter Parts for Enterteinment of
Travellers shall pay to the said Secry for the time being
Yearly for a fine the Sum̃e of four hundred Pounds of
Tobbacco and no more and do give Bond for the Payment
thereof And it is hereby Enacted by the Authority aforesaid
by and with the Advice and Consent aforesaid that the Clerk
of each respective County Court within this Province and the
Cłk of the Mayors Court of the said City of S^{t} Marys Shall
Cause such Licence and the fines for Granting Such Licences
and the Security Given for the payment & ꝑformances thereof
to be duly Entred upon Record in their Severall Courts and
then Transmitt the Said Bonds to the Justices of the Provinciall
Court for his Ma^{tys} s^{d} Secretary's use for which Said p. 273
Licence and Bonds Such Ordinary keepers shall pay to Such
respective Clark Sixty pounds of Tobbacco and no more And
be it further Enacted by the Authority aforesaid by and with
the Advice and Consent afores^{d} That the Comissioners of the
Severall County Courts and the Mayor Recorder and Aldermen
of the said City be and are hereby Authorized and
Impowered att their Severall County Courts and Mayors
Court in the Month of January and the Month of August
halfe Yearly and every Year dureing the Continuance of this
Act haveing Sumon̄ed each respective Ordinary keeper
within their respective Countys and City then and there to
Sett and Assess the rates and Prizes of all Liquors whatsoever
in this ꝑ^{r}sent Act not hereafter men̄coned by them the said
Ordinary keepers Vended or to be Vended for the Ensuing
and so for every Year dureing the Continuance of this Act
which rates and Prizes So to be Sett and Assessed limitted
and Appointed by the Comiss^{rs} and by the Magistrates of the
City aforesaid shall be by their Severall and respective Clerks
Transcribed and sett up att their Severall and respective
County Courts and City af^{d} in some publick place or places
there that every person or persons may peruse the
Same the Copy of which Table and Prizes of liquors
every Ordinary keeper within Each County are hereby
obliged to transcribe fairly and keep the Same Sett up in the

Lib. L. L. most publick place of their house or houses for the perusall of all Persons that receive any Ordinary Accomodations from them under the Penalty of one Thousand p^{ds} of Tobbacco to be applyed to the use of the County where such Ordinary keeper shall live to be sued for in Case of Non payment thereof in his Matys name for which Sums and Table of prizes p. 274 every Ordinary keeper shall pay to such Clerk the Sume of fourty pounds of Tobbacco and no more and any Ordinary Keeper and Inholder that shall after the Sitting and Assessing the rates and Prizes aforesaid directly or indirectly take Exact Demand or receive for the prise and pay of any Such Liquors for which the Rates and Prizes shall be sett & Assest as af^{d} of any person or persons whatsoever above the rates and Prizes So Assest as af^{d} shall for every Such Offence forfeitt and pay the Sum̃e of five hundred pounds of Tobbacco one halfe thereof to his Ma^{ty} his heires & Successors for the use of the County and the other halfe to him or them that shall Inform and Sue for the Same and loose and loose every Debt so unjustly Charged Exacted and demanded the Said forfeitures to be recovered in any Court of Record within this Province wherein no Essoyne Protection or Wager of Law to be Allowed. And every Ordinary keeper that Shall Exact demand or receive above the Sum̃e of ten pound of Tobbacco ꝑ Gallon for Small Beer Twenty pounds of Tobbacco ꝑ Gallon for Strong Beer for a Nights lodging in a bed four pounds of Tobbacco for a peck of Shell'd Indian Corn or Oats for a horse twelve pounds of Tobbacco for a pasturage for a horse ꝑ night Six pounds of Tobbaco for hay or Straw for a horse ꝑ night ten pounds of Tobbacco shall also pay and forfeitt for every Such Offence the Sume of five hundred pounds of Tobbacco one halfe thereof to his said Ma^{ty} his heires and Successors for the use of the County and the other halfe to him or them that shall Informe or Sue for the Same to be recovered p. 275 as aforesaid and loose every such Debt so unjustly Charged as aforesaid and to the Intent that all Persons Inhabitants Strangers and Travellers may be Certein of Good and Sufficient Accomodations for themselves and their horses Be it Enacted by the Authority af^{d} That every Ordinary keeper or Inholder to be licenced as af^{d} shall within Six months after Granting their respective licences be hereby obliged to provide and Maintaine if the Said Ordinary be kept att the Court house in the said County or the Porte and Town of Annapolis & William Stadt twelve good and Substantiall Bedds over and above what is for their Own familys use with Covering for the same together with Accomodation of Oats hay and Straw for litter and Indian Corne with Stabling for Twenty horses att least and if any Such Ordinary be kept att any other part of the County then att the Court house af^d Such Ordinary keeper shall within the time afores^d be provided with four Spare Bedds with Covering and Sufficient Stabling and Provender for Six horses att the least under the Penalty of five Thousand pounds of Tobbacco one halfe thereof to his Ma^ty his heires or Successors for the use of the County the other halfe to him or them that Shall informe or Sue for the same to be recovered by Bill Plaint or information wherein no Essoyne Protection or Wager of Law to be Allowed Provided allways That no person or persons so licensed or to be licensed to keep Ordinary as aforesaid Shall dureing their time of Such their keeping Ordinarys be Justices of the Peace nor Comissioners in any County Court within this Province nor Mayor Recorder or Alderman of the said City of S^t Mary's anything in this Present Act to the Contrary Notwithstanding And it is further Enacted by the Authority aforesaid That if any Ordinary keeper keeping Evill Rule in his house upon Complaint made thereof to the Justices of the County Court of Such Ordinary keepers misbehaviour or keeping evill Rule in his house the Said Justices of the County Courts are hereby Authorized and Impowered to Suppress Such Ordinary keeper and Calling in Such Licence And be it further Enacted by the Authority aforesaid that any Ordinary keeper disabled or Supprest as afores^d or any other person that shall presume to keep Ordinary without Licence first had and obteined as afores^d shall for every month he or they shall keep Ordinary as afores^d forfeitt and pay Two Thousand pounds of Tobbacco one halfe to his Maty for the use aforesaid and the other halfe to him or them that shall Sue for the Same to be recovered in any Court of Record within this Province by Bill Plaint or Information wherein no Essoyn protection or Wager of Law to be Allowed And be it further Enacted by the Authority af^d That no person or persons Inhabiting within this Province not haveing Lawfull Licence shall sell by retayle any Syder, Quince-drink or any other Strong Liquors to be drank in his her or their houses or about his or their Plantations upon forfeitture of every time he she or they shall be Legally Convict thereof the Sum̄e of one Thousand pounds of Tobbacco one halfe thereof to his Maty his heires and Successors for and towards defraying the County Charge where Such forfeiture shall become due and the other halfe to the Informer or to him or them that shall Sue for the Same to be recovered in any Court of Record w^th in this Province By Action of Debt Bill Plaint or Information wherein no Essoyne Protection or wager of Law to be Allowed And be it further Enacted by the Authority af^d by and with the Advice and Consent aforesaid That no Person or Persons whatsoever so licenced to keep

Lib. L. L.

p. 276

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Lib. L. L. Ordinary as afores^{d} shall refuse to Creditt any Person Capable of giveing a Vote for Election of Delegates in any County within this Province to the Value of four hundred pounds of Tobbacco ꝑ Annum for any Accomodations by him Vended whereof any such person so Capacitated as af^{d} shall have Occasion of or require to be Accomodated with under the Penalty or forfeiture of four hundred pounds of Tobbacco by Such Ordinary keeper for refusing to Creditt such person as aforesaid one Moiety thereof to his Ma^{ty} his heires & Successors for and towards the defraying of the County Charge where such forfeiture shall become due the other Moiety to the Informer or him or them that shall Sue for the Same to be recovered as aforesaid And Whereas it hath been found prejudiciall to the Inhabitants of this Province that Such Ordinary keeper or Inholders have frequently Enterteined diverse freemen & loose persons a great time Tipling att their houses as well to many other persons great damage as their Own Ruine.

Be it therefore Enacted by the Authority afores^{d} by and with the Advice and Consent aforesaid That it shall not be Lawfull for any Such Ordinary keeper or Inholder to keep such Ordinary or house of Enterteinment untill they have passed before the Justices of each respective County Granting their Licences a Bond with good Security to the Value of p. 278 Twenty pounds Sterling that they shall not Entertein any ffreeman or other loose person above Twenty four hours in their house unless Such person be Capable to give his Vote for a Delegate in the said County or that they be reteined as a Servant to the said Ordinary keeper or Inholder any Law usage or Custom to the Contrary Notwithstanding And it is also hereby Enacted by the Authority aforesaid that the Justices of the Provinciall Court and the Com̄issioners of the respective County Courts shall give this Act in Charge to the Severall Grand Jurys and also the Com̄issioners of the respective Courts and the Magistrates of the said City to their Severall and respective Constables to inquire into the breach of this Act and into all disorders Com̄itted in the said Ordinarys and present the Same (if any be) to the Severall Courts to be Examined and punished According to Law and that all and every Act and Acts formerly made Concerning Ordinary keepers are hereby repealed and made Void this Law to Continue for three Years or the End of the Next Sessions of Assembly which shall first happen after the End of the said three Years.

An Act for Punishment of Blasphemy Fornication Adultery Prophane Swearing and Cursing Lib. L. L.

Be it Enacted by the Kings most Excellent Ma^{ty} by and with the Advice and Consent of this Present Generall Assembly p. 279 and the Authority of the Same That from and after the publication hereof if any Person or Persons whatsoever Inhabiting or being within this Province shall Blasphem God (That is to say) Curse him or deny our Saviour Jesus Christ to be the Son of God or shall Deny the Holy Trinity the father Son and holy Ghost or the God head of any of the said Three persons or the Unity of the Godhead or shall utter any reproachfull Speeches words or Language Concerning the holy Trinity or any of the three Persons thereof for his her or their first Offence Shall be bored through the Tongue and fined the Sum̄e of Twenty pounds Sterling to his Sacred Ma^{ty} towards the defraying the County Charge where the said Offence shall be Comitted to be leavied upon his or her Goods and Chattells Lands and Tenements (if any they have) but if Such Offender or Offenders have not goods and Chattells Lands and Tenements to the Value aforesaid then Such Offender or Offenders shall Suffer Six months Imprisonment without Baile or Mainprize and for every Second Offence whereof every such Offender or Offenders shall be Legally Convict he she or they so offending as aforesaid shall be stigmatized in the forehead with the Letter B: and to be fined fourty Pounds Sterling to the uses aforesaid and in Case he she or they so Offending as aforesaid shall not have goods & Chattells Lands and Tenements to the Value aforesaid every such Offend^{r} or Offenders shall Suffer Imprisonment for the Space of one whole Year without Baile or Mainprize as aforesaid and for every third offence whereof any Such Offender or Offenders Legally Convicted as aforesaid he she or they so Offending shall Suffer Death with Confiscation of all his her or their Goods & Chattells to his Maty his heires and Successors And be it further Enacted by the Authority advice and Consent aforesaid That Every person or persons Comitting fornication and being p. 280 thereof Convicted shall for every time so Offending be fined (by the Court before whom such Matter shall be brought) to his Sacred Ma^{ty} in the Sume of Twenty Shillings Sterl or four hundred pounds of Tobbacco to be leavied &c. for and Towards the defraying the County leavy where Such fact shall be Com̄itted or receive Corporall punishment by whipping att the discretion of the said Court not Exceeding thirty nine lashes and that every Person or Persons Comitting Adultery and being thereof Legally Convict shall be fined as aforesaid for the uses af^{d} in the Sum̄e of fourty Shillings Sterl or Eight

Lib. L. L. hundred Pounds of Tobbacco to be leavied as afores[d] or to receive Corporall Punishment as aforesaid And be it further Enacted by the Authority afores[d] by and with the Advice and Consent aforesaid that every ꝑson or ꝑsons who shall harbour Enterteine and Provide for the Maintenance of any Lewd woman or women or frequent her to their Companys or the Company of any Lewd woman or women after Publick Admonition to avoyd the same given by the Ministers or Church Wardens or Vestry of the Parish or Parishes where Such person or ꝑsons Dwell and in Case there be no Ministers by the Church wardens of the Same or Vestry aforesaid shall for every time it shall be proved that he she or they shall Cohabit together or frequent the Company of Each other after such admonition Given as aforesaid undergo Such pains and Penaltys as is by this Act Provided for such who are Legally
p. 281 Convicted of fornication or Adultery and Whereas those horrid and Detestable Sinns of Prophane Swearing and Cursing are Notwithstanding Severall Good Laws heretofore made grown so Ripe that it is to be feared they provoke the Divine Vengeance to Inflict many and terrible Punishments upon us to prevent Such Wickedness for the future Be it Enacted by the Kings most Excellent Majesty by and with the Advice and Consent of this Present Generall Assembly and the Authority of the Same That if any person or Persons whatsoever within this Province after the publication of this Act Prophanely Swear or Curse in the presence or hearing of any one Iustice of the Peace or head Officer of any Town City or Burrough within this Province or that shall be thereof Convicted by the oath of one Wittness before any one Justice or other head Officer or by the Confession of the Party Offending shall forfeitt and pay for Such Offence the Sume of five Shills. Sterling to our Sovereigne Lord the King for the use of the poor of County where the offence shall be Comitted to be leavied upon Such Offender or Offenders Imediatly by Comand or Warrant from the Justice of the Peace or head Officer of any Town City or Burrough before whom Such Offender or Offenders shall be Convicted to the Constable or other Person whom Such Justice or head Officer shall Comand or Appoint by distress or Sale of his her or their Goods or Chattells rendering to them the overplus and in Case any ꝑson should refuse to obey to Execute the Comand or Warrant of any Justice of the Peace head Officer as aforesaid in this Case Such person or persons shall forfeitt and pay the Sume of five Shillings to be leavied as aforesaid to the use aforesaid And be it further
p. 282 Enacted by the Authority aforesaid that for every time any ꝑson or ꝑsons shall prophanely Swear or Curse in any Court house dureing the Sitting of any Court within this

Province and be thereof Convict as aforesaid he she or they so Lib. L. L. Offending shall Imediatly forfeitt and pay the Sum̄e of Tenn Shillings as aforesaid to the uses aforesaid or Sett in the Stocks for the Space of one houre by Order or Comand of any Such Justice of the Peace or head Officer as aforesaid Provided allways and it is hereby Enacted that no Person shall be prosecuted or troubled for any such prophane Cursing and Swearing unless the same be proved or Prosecuted within Ten days next after the Offence Comitted and lately be it Enacted by the Authority aforesaid by and with the Advice and Consent aforesaid that every Such Justice of the Peace or head Officer afd are hereby obliged to receive all Such forfeitures as afd that are leavyed as aforesaid and render a Just Accompt thereof to the Justice of each respective County Yearly att the time of laying the County to be by them disposed of to the uses aforesaid.

An Act for Recovering the Arears due from the Publick Officers & Transferring Severall Debts arisen therein

Whereas by Virtue of an Act of Assembly made att an Assembly begun and held att the Porte of Annapolis the 8th day of May in the Year of our Lord 1695 Entituled an Act for p. 283 raising a Supplye towards defraying the Publick Charge of this Province to Endure for three Years and afterwards Viz. att another Assembly begun and held att the sd Porte of Annapolis the 6th day of Iuly 1696 the said Act was Continued for three Years from and after the sd Sixth day of July many Debts have for four Years Past Annually Accrued and become due to our Sovreigne Lord the King for the publick use of this Province from the Sevrall and respective Officers mentioned in the said Act which are not Yet paid Be it Enacted by the Kings most Excellent Maty. by and with the Advice and Consent of this present Generall Assembly and the Authority of the Same That all and every the said Officers Comprized and Intended to be Comprized in the Said Act their Exrs and Administrators shall well and truly make payment of every Such Debt or Mulct and every part and parcell of the Same which is Yet in Arrears and unpaid as if the said Act were not Yet Expired Any Act or Statute of Limittation to the Contrary Notwithstanding and whereas Robert Mason of St Marys County Gentn hath Paid or Secured to be paid to his Maty for the use afd the Sum̄e of one hundred Ninety Eight pounds Currant Money in Consideration of his haveing all the Debts and Arrears due from the Officers in St Marys Charles and Calvert Countys upon the afd Act for raising a Supply Assigned to him for his Proper use Be it Enacted That all the Said Debts

Lib. L. L. and Arrears due as afores^{d} from the Officers in the three Countys aforesaid and all the Right and Property of in and to the said Debts and Arrears be and are hereby Transferred Assigned and sett over to the said Robert Mason his Execu- p. 284 tors and Administrators to his and their proper use and behoof forever and that hereby full Authority be and is given to the said Robert Mason his Executors and Administrators to Demand and by Action of Debt in due Course of Law Sue for leavy Recover and receive the Same to his and their proper use any Act or Statute of Limittation to the Contrary Notwithstanding. And Whereas John Hall of Baltemore County Gent hath paid or Secured to be paid to his said Ma^{ty} for the use aforesaid the Sum̄e of thirty pounds Sterl Currant money in Consideration of his haveing all the debts and Arrears due from the Officers of Baltemore County upon and by Virtue of the said Act for raising a Supplye Assigned him for his Proper use Be it Enacted by the Authority aforesaid that all the said Arrears and Debts due as afores^{d} for the Officers in Baltemore County af^{d} and all the Right and Property of in and to the said Debts and Arrears be and are hereby Transferred Assigned and Sett over to the said John Hall his Executors and Administrators to his and their proper use and behoof forever and th^{t} hereby full Authority be and is given to the said Hall his Ex^{rs} and Adm^{rs} to Demand and by Action of Debt in due Course of Law Sue for leavy recover and receive the Same to his and their Proper use any Act or Statute of Limittacōn to the Contrary Notwithstanding And whereas Symon Willmer of Kent County Gent^{n} hath paid or Secured to be paid to his Said Ma^{ty} for the uses aforesaid the Sum̄e of fifteen pounds Sterl in Consideration of his haveing all the Debts and Arrears p. 285 due from the Officers of Cecill County upon and by Virtue of the said Act for raising a Supply Assigned to him for his Proper use Be it Enacted by the Authority aforesaid that all the Arrears and Debts due as aforesaid from the Officers in Cecill County aforesaid and all the Rights and Propertys of in and to the Said Debts and Arrears be and are hereby Assigned Transferred and Sett over to the said Symon Willmer his Ex^{rs} and Administrators to his and their proper use and behoof forever and that hereby full Authority be and is given to the said Symon Willmer his Executors and Administrators to Demand and by Action of Debt in due Course of Law Sue for recover and receive the Same to his and their Proper use any Act or Statute of Limittacōn to the Contrary Notwithstanding And be it further Enacted That the respective Publick Treasurers on the Eastern and Westerne Shores of this Province have full Power and Authority in his Matys Name and to the use aforesaid in their Severall and respective Precincts to

Demand Sue for leavy Recover & receive all other Such Debts Lib. L. L. and Arrears due as af^{d} upon and by Virtue of the said Act for raising a Supply &c. Any Act or Statute of Limittation to the Contrary Notwithstanding which are not by this Act or any other Act this Sessions Transferred or sett over as aforesaid and to be Accomptable for the Same to the generall Assembly of this Province as by the af^{d} Act was Provided

An Act for Payment of ffees due from Criminall Persons

Whereas Diverse Complaints have been Made by Severall Countys of this Province Occasioned for that they have been p. 286 forced to pay the ffees of Imprisonment Criminalls the persons by whom Such ffees ought heretofore to have been paid or hereafter to be paid being released and going free to the great Encouragment of Offenders for prevention whereof for the future Be it Enacted by the Kings most Excellent Maty by and with the Advice and Consent of this present Generall Assembly and the Authority of the Same that from hence forward no Person Sherriffe Goaler Clerk or Cryer shall Charge either their Own County to which they belong or the Publick with any ffees for any Criminall Com̄itted to the Charge of the said Sherriffe or Goaler haveing Sufficient Estate in this Province wherewith to pay the Same or being Capable to pay the Same by Servitude but that Such Criminalls being discharged by Order and due Course of Law shall pay his Own ffees to Sherriffe Goaler Clerk and Cryer according to Act of Assembly either out of his Estate or by Servitude or otherwise, Provided allways that this Act shall not Extend to Malefactors that are Executed or to Such other Persons who are banished haveing no Estate in this Province or Servants Criminalls for whom the County shall pay the ffees due to the Sherriffe, Clerk, Goaler, Cryer, and other Officers of Such Court where such Criminall shall be Convicted. And be it further Enacted by the Authority aforesaid that all Officers ffees due from Criminall Servants shall be paid by the County where the fact shall be Com̄itted and that all and every such Criminall Serv^{t} for whom the County shall pay the ffees due to Such Officers as aforesaid shall after the p. 287 End and Expiration of his time of Servitude due to his Master Satisfy unto the Comissioners of the County who paid such his ffees for him to the Sherriffe and other Officers as aforesaid for the use of Such County such Sums as they have paid as aforesaid and the Severall Com^{rs} of the Severall Countys shall and are hereby Impowered to make Inquisition after all such Servants Criminalls for whom the County hath defrayed

Lib. L. L. the said ffees to the Sherriffe and other Officers as aforesaid and they the said Comissioners according to their best discretion shall Order the said Servants to make Such reasonable Satisfaction to the County as they shall think fitt and in such Mañer as they shall find Convenient and for the better Security which shall pay such ffees for such Criminall Serv^{ts} as aforesaid

Be it Enacted that the Master Mistress or Dame of all Such Servants be and are hereby Enjoyned and required att the Expiration of such Servants time of Servitude to such Master Mistress or Dame to render up and deliver to such Justice or Justices of the County for the use of the County aforesaid such Servants Criminalls as aforesaid under the Penaltys to such Masters Mistress or Dame refuseing or Neglecting to deliver up Such Servants as aforesaid of makeing Satisfaction and paying to the County all Such ffees as by the County aforesaid have been Paid for such Criminalls as aforesaid and such Justice or Justices to whom such Criminall Servant shall be delivered as aforesaid are likewise required to serve such Serv^{ts} Criminalls as aforesaid in such Maner and way as to the said Justice or Justices shall seem Meet or Convenient so that he be and Appear att the then next County Court to be held p. 288 for the said County to be disposed on as the Court shall Consider.

An Act for Preventing Vexatious & Unnecessary Suites att Law and for proving of Debts and pleading discount in Barr.

Whereas Diverse and Sundry persons within this Province Contracting Debts by Accompts wth Merch^{ts} and others for which they Stand and remain onely Debtor upon their Book of Accompt the which tho they be honest and well disposed to pay the Same upon Demand first had and required of the Said Debtor by the Creditor or other Persons Lawfully Authorised to receive the Same without which it is Impossible for the said Debtor to know where or to whom to pay the said Debt, Yet Severall of the said Creditors through Vexatious and avaritious humours do dayly Comence their Suites att Law against Such their Debtors without any Demand of such their Debts of their Said Debtors whereby the said Debt is much increased and the Said Debtor thereby greatly burthened and Impoverished by means of such their Vexatious and unjust Suits att Law Be it therefore Enacted by the Kings most Excellent Ma^{ty} by and with the Advice and Consent of this Present Generall Assembly and the Authority of the Same, That from and after the Publication of this Act No person Lib. L. L. Whatsoever his Executors or Adm^{rs} Liveing or Trading into p. 289 this Province shall for any Debt due or Owing to him by Accompt Book or otherwise and for w^{ch} the Debtor hath not passed his hand and Seale to Such his Creditor Sue or Implead att Law such Debtor for any such Debt Contracted as aforesaid and not under hand and Seale of Such Debtor as af^{d} unless he shall first Demand and require the Same of the s^{d} Debt^{r} in the County where he shall Inhabit to prove which Demand the Creditor or Demandants upon Oath shall be sufficient but if the Debtor be not att home to be Spoak with then such Demandant shall leave a Note under the hand of Such Creditor or Demandant or those he shall Impower to receive the Same what time and to whom the Same Shall be paid and if the Same thereupon be not Accordingly Paid then it shall and may be Lawfull for such Cred^{r} to Sue and Implead such his Debtor for the said Debt and recover ag^{t} him all Such Cost and Damages as upon Legall Tryall in any Court of this Province shall be adjudged against him and in Case any Person or Persons shall Sue and Implead any Such his Debtor as aforesaid Contrary to this Act he shall loose all his Cost of such Suite & be lyable to Satisfy Such his Debtor all such Damages as shall Accrue to the said Debtor by such his Vexatious and unjust Suite att Law Provided allways that this Act nor anything herein Conteined shall be Construed to Intend the benefitt of any Person Debtor as aforesaid either Runaway out of this Province or Willfully Absconding himselfe within the same from his said Cred^{r} but that he may be proceed Against as before this Law made anything in this Act to the Contrary Notwithstanding And be it further Enacted by the Authority afores^{d} by & with the advice and p. 290 Consent aforesaid That an Acc^{t} Sworne to by the Plaintiffe or a Bill proved by his Evidence before any Justice of the Provinciall Court or any two Justices of the County Courts of this Province shall be Sufficient Evidence to prove the said Debts in the Provinciall or any County Court within this Province. Provided allways that the party who shall Swear or give Evidence as aforesaid to prove any Debt as aforesaid shall att the time declare upon his Oath whether he knows of any Payment or discount of any part or Parcell of the Accompt or Debt so to be Proved which shall be Certifyed under the hand or hands of such one Justice of the Provinciall Court or Two Justices of the County Courts before whom the Accompt or Debt shall be proved which Certificate made and Signed as afores^{d} shall be taken and received as Sufficient Prooff of any Such Debt or Accompt as aforesaid And be it further Enacted by the Authority aforesaid by and with the Advice and Con-

Lib. L. L. sent aforesaid that if any Defendant upon Tryall Can prove either by such Certificate as aforesaid or other Sufficient Prooff that there is any Sum̃e of Tobbacco or money paid to the Plaintiffe or his Order in Part of the said Debt or Acc^{t} Sued for the Court before whom Such Tryall is had may Cause the Same to be discounted in Court and give Judgment thereupon against the Defendant for Soe much onely as shall be remaining to the Plaintiffe which Cost of Suite Provided the Ballance Exceeds Two hundred pounds of Tobbacco or p. 291 Sixteen Shillings and Eight Pence in the County Courts and fifteen hundred pounds of Tobbacco or Six pounds five shillings sterl in the Provinciall Court otherwise the Plaintiffe shall be Non suited as by other Law is Provided.

An Act for Encouragement of Such persons as will undertake to build Water Mills &c.

Daily Experience Sheweth that the Want of Water Mills is true Cause that husbandry in tilling the Ground and for Sowing of Wheat and barly is but Coldly prosecuted though the Advantage thereby in raising the Stock of Neat Cattle be great And for as much as for the most part the Places fitt for Setting up of Water Mills are allready in the hands of persons under age or unable to be att the Charge of building a Water Mill or elce Such as are Wilfully Obstinate in forbidding and hindering such Persons as would Purchase the Said places fitt for building Water Mills and Sett them up to the increase of our Trade and Navigacõn much to the Publick Damage of the Province

Be it enacted by the Kings most Excellent Ma^{ty} by and with the Advice and Consent of this Present Generall Assembly and the Authority of the Same That if any person or persons from and after the publication hereof that shall desire to sett up a Water Mill upon any Land next adjoyning to any Run of Water within this Province not being the proper Possession or ffreeholds of such person or persons nor Leased to them to the Intent thereon to Sett a Water Mill they shall Purchase a Writt out of his Matys Court of Chancery Directed to the Sher- p. 292 riffe of the County where Such Land lyeth requireing him by the Oath of Twelve men of his County to Enquire what Damage it would be to his Maty or other to have a Mill Sett up in Such a place as aforesaid the forme of which Writt followeth (Viz) William by the Grace of God of England Scottland France and Ireland King defender of the ffaith &c. To the Sherriffe of A: County Greeting we Com̃and you that by the Oath of Twelve honest and Lawfull men of the County by whom the Truth of the Matter may be better known diligently to Enquire if it be to the Damage of us or others if we Grant N: N: of N: County Twenty Acres of Land lying att N: in the County aforesaid (Viz^{t}) ten Acres of one Side Such Run and ten Acres on the other Side of Such Run or Water together with Liberty to take fall Cutt down and Carry away either by Land or Water any Wood or Timber fitt for building a Mill other then Timber fitt to Splitt into Clapboards upon any the Lands next adjoining to the s^{d} Twenty Acres of Land lying on the East Side of the s^{d} Run of Water att N: N: aforesaid in the County aforesaid and if it be to the Damage and Prejudice of us or others then to what Damage and prejudice of us and to what Damage and prejudice of others and of whom and in what mañer and how and of what Value they are by the Year According to the true Value thereof now before any further Improvem^{t} made of the said Twenty Acres of Land and who are the present Possesso^{rs} of the Said Twenty acres of Land and what Lands and Tenements remain to the present Possessor over the said Twenty Acres and if the Land remaining to the present Possessors over the said Twenty Acres will Suffice to uphold their Mañer (Viz) the Sixth part of their Mañer Allotted by the Conditions of Plantations for the demesne as before the Alienation so as the County by the Alienation aforesaid in default of the present Possession more then was wont be not Charged and grieved and the inquisition thereupon openly and distinctly made to us in our Chancery under the Seale and the Seale of them by whom it was made without Delay Send &c. upon Returne of which writt in Case the Person or Persons whereby the said Inquest shall be found to be the true Owners and Possessors of the said Land fitt to build a Mill upon, shall refuse to build a Mill thereon within one Year from that day to be Computed and reckoned and the Same building to prosecute and finish within two Years after the said beginning or laying the foundation as aforesaid for the publick good of the Province it shall and may be Lawfull for his Said Ma^{ty} his heires or Successors or for their Chief Governor here for the time being from time to time to Grant any Such Twenty Acres of Land fitt to build a Water Mill upon as aforesaid together with free egress and regress to the said Water Mill either by Land through any mans Land next adjonning or elce by Water together with liberty to fall any timber for building the said Water Mill other then Board Timber fitt to Splitt or Cleave into Clap boards for any time or Term not Exceeding Eighty Years then next to Come under the Yearly Rent of the Land then by the Oath of Twelve men by Virtue of the Writt aforesaid returned to be paid to the

Lib. L. L.

p. 293

Lib. L. L. p. 294 Owner of the said Land so found and returned as aforesaid which said Grant from his said Ma^{ty} his heires and Successors or from the Governor here for the time being as aforesaid shall be good and available in Law to the Grantee as afores^{d} for any terme of Years not Exceeding Eighty Years as aforesaid ag^{t} all persons whatsoever any Law Custom or usage heretofore had made or used within this Province to the Contrary Notwithstanding.

Provided allways that before any Person or Persons whatsoever shall have such grant to build a Water Mill as aforesaid then shall Enter into a Bond to his said Ma^{ty} with two Sufficient Surties in the Sum̄e of fifty thousand Pounds of Tobbacco with Condition to begin to build the said Water Mill within one Year then next to Come and the building to prosecute and finish within two Years after such beginning and for the great advantage that is allready found to the Province in Generall by the Mills allready built some of which doe Stand upon Lands whereof the Title is doubtfull for of due forme of the Conveyance or the last Wills, & Testaments by which the Lands have been Conveyed or Devised to the builders of such Mills. Be it therefore Enacted by the Authority aforesaid That all and every Such person or persons as aforesaid who have built Mills shall or may have Such Writt or Writts as aforesaid to Enquire of the True Yearly Value of the Land where Such Mill doth Stand and of Ten Acres of Land on each Side of the said Run as afores^{d} and upon Returne of Such Writt as aforesaid shall have a Grant from his Ma^{tys} Chief Governor here as aforesaid for any Term not Exceeding Eighty Years and Yearly Rent returne as aforesaid to be paid p. 295 to the Right Owner of the said Land as aforesaid any Law or usage to the Contrary hereof in any wise Notwithstanding. And be it Enacted by the Authority afores^{d} That from and after the Publication hereof no person or persons whatsoever haveing or that shall hereafter have obteined any Grant for any Lands whereof such person or persons are not the reall Owners or Possessors thereof and whereupon he she or they have allready built or shall hereafter build a Water Mill as this Law hath before directed shall have any Right title or Claime to any Land Granted to them for any time or terme whatsoever after such Mill by him or them all ready built as af^{d} or that shall hereafter be built shall be Causually broak or gone to decay as aforesaid other then Two Years for the new Erecting building finishing and repairing of Such Mill as aforesaid but that in all and every Cause where any person or persons that have Allready built or that shall hereafter build any Water Mill w^{ch} are or that hereafter shall be broke or gone to decay as afores^{d} and shall not within Two Years after the Publication hereof or within Two years after such Mill Lib. L. L. shall become broak or gone to Decay as aforesaid Cause the Same to be now builded repaired or finished as aforesaid it shall and may be Lawfull for the Reall Owner or Owners of such Land to such person or persons so granted as aforesaid To Reenter upon the Same & in Case such person or persons shall refuse or denye to give the Owner or Owners of Such Land as af^d Peaceable and quiett Possession thereof Such Owner and Owners shall and may Recover his Right to the Same by Ejectment or otherwise as the Law direct anything in this Act Conteined to the Contrary Notwithstanding and for prevention of the Abuse frequently Comitted by persons p. 296 keeping Water Mills by takeing Excessive Tole. Be it therefore Enacted by the Authority aforesaid by and with the Advice and Consent aforesaid That from and after the publication hereof as aforesaid No Master, Owner, Miller or other person properly belonging to or otherwise Owning any Mill within this Province shall Ask Demand or receive for grinding of any Quantity or quantitys of Indian Corne or wheat whatsoever above the Sixth part of every bushell of Indian Corne and Eight part of every Bushell of Wheat by him or them So Ground as aforesaid upon penalty and forfeiture of one Thousand pounds of Tobbacco to the use of his Ma^ty his heires and Successors for the Supporte of Government to be recovered in the respective County Courts by Action of Debt Bill Plaint or Information wherein no Essoyne Protection or Wager of Law to be Allowed any other Act usage or Custom to the Contrary Notwithstanding Provided Allways, That if any person upon Encouragem^t of former Acts hereby Repealed have begun to build any Mill they shall still have all those Advantages that they might have had by Such Act hereby repealed as if the former Act or Acts were Still in force.

An Act for the better Administration of Justice in Probate of Wills, and Granting Adm^rcōns Recovering of Legacies and Secureing filiall Portions

Whereas for the due Administration of Justice it is most Necessary that there be a Settled Succession from the Dead p. 297 to the Liveing and that the Wills of all Persons may be duly proved and Letters of Administration of the Estates of all Persons dying without wills may be Granted to such persons who have the best Right to succeed thereto that there may in that Case be no failure of Justice but that it may be duly administred within this Province and all Legacys Speedily recovered and filial Portions and Orphans Estates duely

Lib. L. L. secured and Easily obteined according to the true Intent of the Laws heretofore made (now in force) or hereafter to be made Be it Enacted by the Kings most Excellent Maty by and with the Advice and Consent of this Present Generall Assembly and the Authority of the Same That the Judge or Com̄issary Generall for Probat of Wills and Granting Administrations shall hold his Court once in Two Months att the least or oftener as the Case shall require reguard being had to the distance of the habitations of the Suitors in the said Court and the dispatch of Persons not inhabiting in this Province who have frequent Occasions to Seek Justice in the Court for probate of Wills and Granting Administrations before the Judge thereof and for as much as Certeinty is the mother of Repose and that our Dependance upon England obliges us to make all our Laws as Near as may be Consonant to the Laws of England Be it further Enacted by the Authority aforesaid that the Judge for Probat of Wills and Granting Admrcons within this Province in all Cases relateing to Probate of Wills & Granting Administrations shall proceed According to the Laws of England now in force or to be hereafter in force p. 298 within Twelve Months after Such Law shall be published in the Kingdom of England if pleaded before him Saveing in such Cases as by this present Act is Provided And that it shall and may be Lawfull for the Judge for Probat of Wills to prove any Last Will in this Province although the Same Concerne Title to Land any Law usage or Custom of England to the Contrary Notwithstanding And to the end that all filial Portions may be secured to the Children of all persons Dying Intestate and Legacys paid to Legatees of Psons who make Wills Be it Likewise Enacted First that the Judge for Probate of Wills and granting of Admrcons shall Call all Executors and Administrators to account for the Estate of all Persons decd within Twelve months next after Administration Com̄itted & if any Administrator shall faile to give an Accompt within the time aforesaid being Lawfully thereunto Called that then the Said Judge shall revoak the first Letters of Administration to such Admr Com̄itted & shall Grant Administration de bonis non Admrtis to some other person as in his discretion he shall think fitt which said Administrator duly Appointed shall give Security as all other Admrs do and shall Sue and Implead the former Administrator before the Judge afd for an Acct of the Estate of the intestate and in Case it Shall Appear to the Judge afd that the former Admr hath Wasted or imbezled the Estate of the intestate Iudge shall Assigne the Bond Entred into by the former Admr and his Surety unto the latter Admr to be relieved against them for such Wasting or Imbezling, That the Iudge upon Account Given by the first Administrator as aforesaid shall make Division of the Clear Estate of the Deceased after Debts paid and funerall Expences Defrayed That is to Say shall allow to the Widdow or relief of the said Intestate if any Such be one full third Part thereof and the other two thirds shall be equally Divided among the Children of the said Deceased if any such be and if no Such be then between the next of blood of the said Intestate and after Such Division made shall Transmitt the Acc^{t} thereof to the Severall and respective Justices of the County Courts where the said Estate shall be and remaine who are by this Act appointed Authorized and injoyned to putt the persons Lands Goods and Chattells of the Orphans into the hands of such persons as they shall think fitt taking Bond with two Sufficient Suretyes in the Names of the Orphans themselves for the Secureing and Delivery of the s^{d} Estate to the Said Orphans or their Guardians when thereunto Lawfully Called According to the Rules and directions hereafter by this Act prescribed Established and Ordained and not otherwise which Rules shall be rules not onely for the Justices of the County Courts to proceed by in takeing the Accounts of Guardians or Trustees for Orphans but also for the Judge for probate of Wills and Granting Adm^{r}cons in the Account of Adm^{rs} and Bare Executors to the benefitt of others nor shall the Judge give any other Allowances to any Adm^{r} or Adm^{rs} upon his or their Acc^{ts} but for Debt bona fide Owing from the Deceased and really paid and Secured to be paid by the Severall and respective Administrators, No Negroe or other Slave shall be sold or disposed of by any Adm^{r} for payment of Debts or otherwise restored for the Adm^{rs} own use in Satisfaction for any Debts due to the said Administrators nor any Execution Served upon any Negros or other Slaves So long as there shall be other goods of the deceased Sufficient to Satisfy the Just Debts of the deceased but shall be kept upon the hazard of the Estate and Imployed for the benefitt of the Creditors and Orphans if any be dureing the first Year att the end of which the Adm^{r} to Accompt for the Estate and the Profitt of Such Slaves shall be Assetts to the Creditors and Dividable between the wife & Children or relations of the said Deceased if their be noe Creditors the Judge for probate of Wills upon Passing the Account by Such Administrator shall Allow him his reasonable Charges, 2^{dly} That no Acc^{t} be Allowed for Dyett Cloaths Phisick or Education to any Adm^{r} or Guardian to any Orphan ag^{t} the Estate of the Intestate or ag^{t} the filial part of any Child Comitted to any Guardian or other persons Intrusted by the County Court but that the Said Orphan shall be maintained and Educated by the Interrest of their Estate and the increase of their Stocks so farr as their Said Interrest will Extend but

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Lib. L. L. if the Estate be so Small that it will not Extend to a free Edu-
cation of Such Orphans shall be bound Apprentices to Some
handy Craft Trade or other person att the discretion of the
County Courts untill they Arrive to the age of Twenty one
Years Except some Kinsman or relation or Some other Char-
itable persons will Maintaine them for the encrease of the
Small Estate they have without any Dimunition of the Princi-
p. 301 pall which shall allways be delivered to the Orphans att the
Years hereafter in this Act Limitted and appointed then such
Kinsman relation or other Charitable person is thereby obliged
to performe the Same as is by this Law before Enjoyned and
to be Ascerteined by the County Courts Provided allways that
no Orphan shall be putt into the hands of any person of differ-
rent Iudgement in Religion to that of the deceased parents of
the said Orphans. That all Cattle horses and Sheep shall be
returned in kind by the Guardians or other persons intrusted
with Orphans Estates (that is to say) So many Cattle horses
and Sheep were of att the time they were delivered to the
Guardians or Trustees of the Orphans, That all money, Plate,
Rings and Iewells be Preserved and not used by the Guardians
or Trustees and delivered in Kind to the Orphans when they
Come to age and that all househould Stuffe and Lumber be
appraised in money and not otherwise and the Value thereof
paid by the Guardians unto the Orphans as aforesaid either in
money Sterl according to the Appraisment or in Tobbacco att
the then Price Currant and in Case any difference shall Arise
what shall be the Price Currant att the day of payment in the
Bond taken Limitted by the Justices of the County Court
where the Orphans Estates doth lye shall then Determine what
shall be the Price Currant. That every Male Orphan shall be
of full Age to Receive his Estate from his Guardian att the age
of Twenty one Years and not before but in Case any person
by his Last Will & Testament do appoint any person to be his
Executor or Executrix that is full Seaventeen Years of Age
that person So appointed shall be adjudged to be of Sufficient
Age to be Administrator or Executor or Executrix and if such
Executor or Ex^{rs} be under the Age of Seaventeen Years the
p. 302 Adm^{r}con shall then be Com̄itted to such other persons
as the s^{d} Judge for Probat of Wills and Granting Adm^{r}cons
shall approve of Durante minoritate and so to the profitt
use and behooff of the Infant Ex^{r} or Executrix and not
otherwise nor in any other manner and and forasmuch
as the Right to Administration of the Goods of persons
Intestate may fall upon persons under the Age of Seaven-
teen Years it is hereby declared that as they are within
like reason so they are within Like Law with Infant Exec-
utors. That every Female Orphan shall be Accounted of

full age to receive her Estate at the age of Sixteen Years or Lib. L. L. Day of Marriage which shall first happen. That all Negros and other Slaves after the Transmitting the Estate to the County Court as aforesaid shall be praized to the Guardians or Trustees and be preserved by them and be Imployed to the said Guardians or Trustees use and benefitt and the like number of Slaves and of the like ability of body be returned to the said Orphans out of their Increase if any be att their full age by this Law Limitted and if any of the Said Slaves be grown aged or otherwise Impotent or be lamed and that the increase will not make the Originall Stock good as to the Number and ability of body that then they shall be again appraised by the said County Courts and the Guardians or Trustees shall pay to the Orphans so much money or Tobacco as the County Court shall adjudge the Orphans Stock of Negroes then to be of less Value then they were att the time of their first Appraisment and delivery of their Said Slaves to the said Guardian or Trustees, but in Case no Guardian or p. 303 other Person will upon these terms Accept of those Slaves then it shall and may be Lawfull for the Severall and respective County Courts to put the said Slaves out upon any other terms to any other person so that the said Originall Stock of Slaves be not sold nor any of their Increase but in the best manner that may be preserved for the Orphans till they Come to their Severall Ages by this Act Limitted and Appointed to the Intent they may have theire first Stock made good to them in Number Value and ability of body if it may be. That all that are Servants for Years be likewise returned in Kind to the Orphans att their full Age (that is to say) the same number att the same Age and Sex and by like Number of Years to Serve and of the same ability of body as near as Can be guest as the Servants were when received by the Guardian or Trustee. Whereas every Administrator in Inventory incerteth what Debts are Sperate and what Debts are desperate the Judge for probate of Wills that Transmitt those Desperate Debts with the Division of the overplus of the Estate unto the Severall and respective Justices of the County Courts where the Estate shall lye to the End the said Justices may inquire whether the said Adm^r have by fraud or otherwise neglected to recover the Same or have rec^d and never Accounted for the same and shall with the residue of the said Estate Comitt the said Desperate Debts to the Care of the Guardian or other Trustee by them Imployed and shall Yearly and every Year Call the said Guardians or Trustees to Acc^t for the Same & duly inspect what of the said Debts they have rec^d or might have rec^d and if the Said Guardian or Trustee faile to give his Acc^t Yearly or by fraud or Covin

Lib. L. L. Neglect or forbear to recover the Same the said Guardian or
Trustee shall Stand Charged with and be Accomptable for
every such Debt by them received and not Accompted for or
p. 304 Neglected or forborne to be recovered. That the Justices of
the County Courts take able and Sufficient Security for
Orphans Estates and Enquire Yearly of the Security & if
there be just Cause that they require new and better Security
and upon refusall to give new and better Security to remove
the Orphans Estates into their hands & further that the
Justices of the County Courts shall Yearly in June Court
Enquire by a Iury of good and Lawfull men to be Sum̄oned
out of the Severall hundreds of the County not under the
Number of Twelve who upon their Oaths. shall inquire, the
forme of which Oath is hereby Exprest (Viz) Whether the
Orphans be kept maintained and Educated according to their
Estates and whether Apprentices are Yearly Taught theire
Trade or rigorously used and Turned to Common Labour att
the Ax and Hoe Instead of Learning their Trades and if they
find that Orphans are not Maintained and Educated According
to their Estates or Apprentices neglected to be taught their
Trades upon pretence that the last year is enough to learn
their Trade that they remove them to other Guardians and
Masters respectively and in Case the Jury find That any
Appʳntice is not taught his Trade but put to other Labour as
aforesᵈ the County Court shall Condemn the Master of such
Appʳntice to make the Apprentice Such Satisfaction as in
Justice his Years of Labour att other work shall Deserve and
five hundred pounds of Tobbacco to be paid to the said
Orphan That the Justices of the County Courts Cause the
Conditions of the Bonds they take of Guardians or Trustees
of Orphans Estates be Exactly drawn to the Act & Recorded
p. 305 in the County Courts and the Indentures for Apprentices
Likewise that it may duly Appear to the Iudges whether
Guardians Trustees and Masters do right and Justice to
Apprentices and to the Country that the Justices do right
between them and to that End that they Cause the Clark of
their Court to present the Iury with a List of the Orphans
and Apprentices of their County every June Court, That no
more be allowed by Guardians or Trustees for Collecting
Debts due to Orphans then Ten ꝑ Cent the usuall Allowance
to Admʳˢ and factors by the Merchants. And further in reguard
by the Judge or Com̄issary Generall for proving of Wills and
Granting Admʳcons Com̄ission there is Saveing to all persons
of their right Appeale from the Sentence of the said Iudge to
the Chiefe Governor of this Province for the time being. Be
it Enacted That all and every Person and Persons Appealing
from the Sentence of the said Judge shall within fifteen days

att the furthest after Such Sentence Given Enter his Appeale Lib. L. L.
before the said Governor and within fifteen days more Petition
the Governor of this Province for the time being to Examine
the Sentence of the said Judge or appoint Such other person
or persons as he shall think fitt to hear and Determine the
Same whose Sentence shall be finall without other Appeale
repeal or review and for that diverse Bonds have been taken
by the Severall and respective County Courts of this Province
in the name of the Worshipfull Com̄issioners of the County
Court or in some Some Such other terms amounting thereunto
and for the use of the Severall and respective Orphans
in the Sev^{r}all and respective Countys of this Province with
Condition to pay unto the Said Com̄issioners or Justices of the
peace the respective Sum̄s of Tobb^{o} or money in the respective
Condition Conteined in pursuance of this Act when in
truth the said Comissioners of the County Court are no body
Polliticque nor Capable of Suing the Said Bonds to and for
the use of any Orphan within this Province. Be it Enacted p. 306
by the Authority aforesaid so as before taken to and
for the use of any Orphans in this Province in Pursuance
of this Act shall be sued and recovered in the Names
of the Orphans to whose use such Bonds were taken either in
the County or Provinciall Court att the Election and Choise of
the said Said Orphans any Estate Statute or usage to the Contrary
hereof in any wise Notwithstanding And for the Ease
and benefitt of the good people that hereafter shall have occasion
to resorte to the said Iudge in Testamentary Causes for
the Probate of Wills and granting Adm^{r}cons Be it Enacted by
the Authority aforesaid That the Com̄issary Generall of this
Province, Chancellor or other person that shall from time to
time be appointed as Judge in Testametary Causes for
Granting Adm^{r}cons shall from time to time and att all
times dureing his Continuance in Such Office Constitute
ordeine & appoint Some able and Sufficient person of
good repute and a ffreeholder in every respective County
within this Province to take the Probate of any last Will or
Testament of any person or persons either Nuncupative or in
Writeing even tho the Same be Concerning Titles of Land
and likewise the Granting of any Administracōns of any persons
Dying intestate in the respective Countys where each
person or person So Appointed shall reside and Inhabitt which
said persons in each respective County of this Province So
appointed as af^{d} shall & May take the proof of any Will whatsoever
as aforesaid of any person as aforesaid, within the
County as af^{d} and grant Letters Testamentary upon the Same
and likewise Grant any Administracōn to any person or persons p. 307
whatsoever that Right has to the Adm^{r}con of any person

Lib. L. L. deceased within the County where he Dwelleth as aforesaid but if any Contest or dispute shall arise between any persons Concerning the right to Admrcons or Executorship the same shall be Divided by the Chancellor Comissary Generall or Iudge in Testamentary Causes and not by such person appointed in each County as aforesaid neither shall Such person grant Administration or take the Probate of Such Will till Such time as Such dispute and difference shall be decided and Determined by the Proper Iudge thereof and Certificate from Such Iudge of the Same and Such person So appointed as aforesaid shall and is hereby Allowed as a ffee for Granting Such Letters of Admrcon as aforesaid Swearing the Administrator and Appraisors as for the Probate of any Will and Swearing the Executor or Executrix and Letters Testamentary the Sume of one hundred and fifty pounds of Tobbacco to be paid by such person or persons requireing Administracōn or Letters Testamentary as aforesaid unless the Estate be so Small as the Inventary of Such Estate do not Amount to Two Thousand pounds of Tobbacco as aforesd there shall be paid to such person So appointed for Such Letters of Administration or Letters Testamentary as aforesaid the Sume of fifty pounds of Tobbacco and no more and then and in every such Case the Comissary Generall shall have no ffees Be it enacted by the Authority aforesaid that all Guardians of Orphans that shall have any reall Estate in Lands with the Orphan or Orphans to whom the Same belongs Comitted to them other then such whom the Testator in his life time by his Last Will and Testament hath otherwise Ordered and disposed of within one Month after the takeing upon him or her the Guardianship of Such Orphan or Orphans shall with one Comissioner of the said County where the land lyeth and two other persons of good repute and well
p. 308 Skilled in building & Plantacōn Affairs neither of them being of Kin Indebted or otherwise Interrested in ether Orphan or Guardian Enter into the sd Land Plantation to Such Orphan or Orphans belonging and View the Dwelling houses and out houses Lands Orchyards and fences that are upon the said Plantation and then and there the sd two persons So qualifyed as aforesaid shall take their Corporall Oaths upon the holy Evangelists by the said Comissioner to be Administered that according to the best of their Skill & Judgments they will make a Just Estimate of the Annuall Value of the Said Lands and Plantation and what Dwelling houses out houses and Orchyards are upon the Same and what repaire they are in and what part of the Said Land they Judge the said Guardian may be further permitted to Clear upon the Said Plantation as well to raise the Yearly Rent so Valued as aforesaid as also Towards his Yearly Charge in keeping the said Dwelling

houses, outhouses Orchards and fences in repair and so by him to be left allways haveing a reguard to leave a Proportionable part both for quality and quantity of the uncleared Land for the benefitt and Advantage of the Orphans or heire when att Age to possess the said Land or Plantation as also the Orphans Maintenance out of the Same where Profitts or Personal Estates be not Sufficient to Maintaine him or them and the Same to Certify under their hands & Seals Attested by the Comissioner so administring the Oaths as aforesaid in the County Court next ensuing after Such View so had and made as aforesaid and there to remaine upon Record untill the Said Orphan or heire Comes to age which Certificate so Entred and remaining upon Record as af^d shall be Sufficient Evidence in Law for the said Orphan or Orphans to recover Double Damage in any Action of Waste by them to be brought when att age for any Waste Sale or Destruction Comitted or done in any of the premisses other then what the persons have Certifyed and thought Necessary with due respects had to all Circumstances and Matters aforesaid And be it further Enacted by the Authority aforesaid that the Comissioners of each County Court within this Province by Virtue of this Act have full power from time to time and att all times hereafter upon presentment of the Orphan Iury or other information Given to them of any Such Sale Waste or destruction made done or Comitted upon any Orphans Reall Estate by any Such Guardian by Legall Warrant to Cause the Said Guardian to Appear before them in the County Court and if upon Examination thereof the s^d Information be Sufficiently proved that the said Guardian to Answer the Damages of Such Waste by him Comitted Contrary to the Law when Orphans Coms to Age that then the Said Comissioners do require the said Guardian to give Sufficient Security to make Satisfaction to the said Orphan or Orphans when att age as aforesaid and upon refusall thereof as the Said Orphan or Orphans if att age to Choose his her or their Guardians shall Elect and if not then such other as the Comissioners shall think meet being Willing to take the Same who shall Enjoy the said Land or Plantation Committing no Waste and performing all Such Matters and things att his Entry thereupon as is by this Act required untill Such Orphans Coms to age and the Said person So Chosen or by the Justices putt in possession as aforesaid shall in the name and to the use of such Orphan bring his Action of Waste against the former Guardian for the Damages by him Comitted and the Comissioners of each respective County are hereby Obliged to give the Same in Charge every June Court to the said Orphan Jury under the Penalty of five hundred pounds of Tobbacco Each Justice one halfe thereof to his Maty Towards the

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L. p. 310 Support of Government and the other halfe to him or them that shall Sue for the Same to be recovered in the Provinciall Court by Bill Plaint or Information wherein no Essoyne Protection or Wager of Law to be Allowed And be it Enacted by the Authority aforesaid the Severall & respective Deputy Comissarys which are and shall be in each Severall and respective Countys within this Province shall and are hereby Sufficiently Authorized and Impowered to pass Audite and Allow all such Accounts as shall Come before them relateing to Dead mens Estates wherein they have Granted Letters of Admrcon or Letters Testamentary not Exceeding fifty pounds Sterling and to Transmitt the Same to the Comissary Generall for which passing such Accounts the said Deputy Comissarys is to be Allowed as a ffee the Sume of fifty pounds of Tobbacco and noe more and if Such Deputy Comissary as aforesaid shall Exact demand or receive of any person whatsoever more then is by this Law for Executing such his office is allowed him he shall lyable to such pains & penaltys as are Included in a Certeine Act for Limitting Offrs ffees within this Province but in Case it shall so happen that any person or persons haveing any Interrest or Claime in Such Estates shall make any objections to the Legality or Interrest of any Article or Articles Conteined in the Said Accompts then the said Deputy Comissarys are forthwith to Mark Such Articles and Transmitt the Accompts with all Papers thereunto belonging unto the Comissary Generall before whom all parties Concerned are to appear and defend their Interrest And be it Enacted by the Authority aforesaid that it shall be att the Election of Such p. 311 Widdows haveing Devises as aforesaid to take and receive the Same in full Satisfaction of all Claims and Rights to both reall and Personal Estate and be thereby barred for ever from all Claimes to the same or to refuse such Legacys & devises as aforesaid and take theire third Part of the Personall & Reall Estate as Widdows whose husbands dye Intestate in this Province and whereas Many Orphans have greatly Sufferred by the second Marriage of Such Widdows who haveing their Estates in Possession by Will or Right of Administration either by the one or both of them the said Estates have been Wasted and Imbezled and if the Woman dye the said husband refuses to render an Account of Such Estate Alledging that he is neither Executor nor Administrator of his wife nor of her former husband whereas att Comon Law a Woman Covert Executrix Can do no Act to Prejudice her husband all such Acts dureing the Same being void without his Consent he not preventing such Waste when in his Power ought to Answer for the Same Be it therefore Enacted by the Authority aforesaid by and with the advice and Consent aforesaid that every such permitting & Suffering such Waste by such second Lib. L. L. husband dureing the Coverture such husband shall Account for the same and be lyable to be sued for the said Estate due to the said Orphan by such Orphan if att age or if under Age by his Guardians as well as the Security or together with his wife if Liveing and if the Security be insolvent then by himselfe & also for all Waste Comitted by his wife before Marriage if Sued dureing Coverture and Whereas Orphans of persons dying intestate by the good Provisions of this Law in Comitting them to the Care of the County Courts to inspect the good Condition of their Securities and Good Usage as aforesaid are by Experience found to be in better Condition in respect of both then the Orphans of Testators whose Executors hitherto rarely Given any Security and that the Security they have Given many times proved Insolvent Be it therefore p. 312 Enacted by the Authority aforesaid that the Iudge for probat of Wills shall hereafter take good and Sufficient Security of all Executors and Administrators to the use of any Orphan or Orphans in any Will mentioned (and not Solely to theire own use) for the true performance of Such Last Will and Testament According to the Law and intent of the Testator and the Justices of the County Courts shall at the Same time that they by Iury inquire of the Good usage and good Condition of the Security or other Orphans shall also inquiry the Same of these and if they find the Securitys like to be insolvent or the Orphans ill used to Transmitt the Same to the Iudge for probat of Wills for the time being to be relieved According to Law and the Testators Intent And for the more Speedy Administracōn of Justice to Orphans Legatees and others in his Ma^{tys} Court of Probate of Wills and granting of Adm^{r}cons which hath hitherto by the Tedious Methods used in Chancery before the Judges Sentence in the said Court Can take Effect the methods of England being att present not practicable here. Be it therefore Enacted by the Authority aforesaid That every person or persons that shall not after sentence Given in the said Court against him or them within fifteen days after such Sentence enter his Appeale with the said Judge from such Sentence and within 15 days more procure an Examination thereof by a Court of Delegates nor in the mean time Comply with the Sentence of the said Judge it being Sent to them under the hand and Seale of the Said Judge nor give in Security to performe the Same and Oath made of the refusall p. 313 thereof It shall and may be Lawfull for the said Judge to issue forth of the said Office under his hand and Seale an Attachments against the bodys of such ꝑsons so Refuseing and him or them to Imprison untill he or they satisfy and Comply with the said Sentence or give in Good Security to do the Same

Lib. L. L. this Law not to barr the said Judge to proceed ag^t persons not Complying with Sentences Given before the Makeing of this Act According to the former usage and Custom to Compell them to the same And Whereas Orphans and Creditors are many times injured by the lowe Appraisments and undervalueing of the Estates of the Deceased therefore Be it Enacted by the Authority aforesaid That when any Executor or Adm^r doth Appraise the Estate of the Deceased he shall give Notice of such his Appraisment and Call together two of the next of Kinn to the said Deceased and two of the Creditors of the said Deceased if any there be who shall be present att the said Appraisment with the Sworne Appraisors and shall Certify to the Comissary or his Deputy under their hands that they were present att the Appraisment and do approve thereof And if any Executor or Administrator returne any Inventary without such Certificate as aforesaid the said Judge or his Deputy in each respective County of this Province shall not Accept or receive the Same into his or their Office.

An Act for Enrollment of Conveyances and Securing the Estate of Purchasers

For the better Establishing a way and method for Con veying of Mannors Lands Tenements and hereditaments for the future and for the avoiding Abuses and deceipts by Mortgages Be it Enacted by the Kings most Excell^t Maty by and with the Advice and Consent of this present Generall Assembly and the Authority of the Same that from and after p. 314 the publication hereof no Mann^rs Lands Tenements or Hereditaments whatsoever within this Province shall pass alter or Change from one to another whereby the Estate of Inheritance or ffreehold or any Estate for above Seaven Years shall be made to take Effect in any person or persons or any use or Trust Except the Deed or Conveyance by which the Same shall be intended to Pass Alter or Change the Same be made by writeing—Indented and Sealed and the Same to be Acknowledged in the Provinciall Court or before two Justices thereof or in the County Court or before two Justices of the peace of the Same where Such Mannors Lands Tenements or Hereditaments do lye or such Deed or Conveyance to be Enrolled in the Provinciall or County Court where the Same doth lye Such Enrollment to be made within twelve months after the Date of Such Writeing Indented as aforesaid and for the Caption of such Enrollment there shall be paid to the partys takeing the Same twelve pence Sterling and no more and the Clark shall well and Sufficiently Enroll Such Deed or

Conveyance in a Good Sufficient Book in folio to remaine in the Custody of the Clark of the Same Court for the time being among the Records of the Same Court and that the said Clk shall on the back of Every such Deed in a full Legible make an Endorsment of Such Enrollment and also of the folio of the Book in which the Same shall be Enrolled and Shall unto Such Endorsment Sett his hand Provided allways and be it hereby Enacted by the Authority aforesaid That when the Grantor or Grantors Bargainor or Bargainors of such Lands Tenements or Hereditaments shall live remote from either the Provinciall Court or the County Court where the Land lyeth it shall and may be Lawfull for such Grantor or Bargainor to Acknowledge the Same in the County where such Bargainor liveth and a Certificate of such Acknowledgment under the hand of the County Clark and under the Seale of the Same County Such Acknowledgment shall be taken Deemed reputed and be as good and Valid as if the Same had been Acknowledged either in the Provinciall or County Court where such Land lyeth and be a Sufficient Warrant to Such County Clark where the Land lyeth to Enrolle the Same And if any Such Grantor or Bargainor of any such Lands or Tenements as aforesaid shall happen to be out of this Province and within any his Ma^tys^ Dominions att the time of Ensealing such Writeing or Writeings Indented so as the Same Cannot be Acknowledged in maner and forme as is before directed or Enrolled within the time for that purpose before herein Limitted That in every Such Case Such Lands or Tenem^ts^ as aforesaid shall be Acknowledged by Letter of Attorney well and Sufficiently proved either in the Provinciall or County Court where such Lands or Tenements lye or before two Justices of the Provinciall or County Court as aforesaid for Acknowledgment and be Enrolled as af^d^ anything herein before Conteined to the Contrary hereof Notw^th^standing And be it further Enacted by the authority aforesaid that every such writeing Indented to be Acknowledged and Enrolled as afores^d^ shall have relation as to the passing and Conveying the premises and the Estate and Estates thereby Passed or intended to be passed and Conveyed by and from the Day of the Enrollment of the Same and not from the day of the Date thereof and shall att all times be Construed and taken more favourably and beneficially for the benefitt and Advantage of the Grantee or Grantees and more Strongly for the Barring of the Grantor or Grantors therein to be named and According to Such Intents as the Words thereof shall Appear to have been the true Intent of the Partys thereunto although the Same be not so firmly drawn as is used in England where the Advice of Councill Learned in the Law may Easily be had

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Lib. L. L. p. 316 Provided allways that if any feme Covert be named a party Grantor in any Such Writeing Indented the Same shall not be of force to debarr her or her heires Except upon her Acknowledgment of the Same and the person or persons takeing Such her Acknowledgment shall Examine her privately out of the hearing of her husband whether she do make her Acknowledgment of the Same willingly and freely and without being induced thereunto by fear or threats of or used by her husband or fear of his displeasure and the person or persons so Examining her shall in a Noat or Certificate of the said Caption of the said Acknowledgment Certifie her Examination and Acknowledgment thereupon and That Such Certificate be Likewise Enrolled upon Record in which Case and by such feme Covert shall be Barred and not otherwise anything herein before Conteined to the Contrary Notwithstanding.

An Act relateing to Servants and Slaves.

Whereas There have been Severall Acts Provided against Servants Runaways which have hereto proved ineffectuall in reguard they do not Sufficiently provide Encouragm^{t} for Such person or persons Inhabitants of this Province as Shall Seize Such Runaways or Servants by this Act Deemed Runaways therefore for the better discovery Seizing and Apprehending Such Runaways Be it Enacted by the Kings most Excellent Ma^{ty} by and with the Advice and Consent of this present p. 317 Generall Assembly and by the Authority of the Same That from and after the publication hereof no Servant or Servants whatsoever within this Province whether by Indenture or Custom of the County or hired for Wages shall Travell by Land or Water ten Miles from the house of his her or their Master Mistris or Dame without a Note under their hands or under the hand of his or their Overseer if any be under the Penalty of being Taken for a Runaway and to Suffer Such Penalties as are hereafter Provided against Runaways And it is hereby further Enacted by the Authority aforesaid that any Such Servant or Servants as aforesaid unlawfully absenting him her or them from his her or their Said Master Mistress Dame or Overseer shall Serve Tenn Days of every one days Absence to be Judged when Such Master Mistres or Dame shall bring their Said Servant before the Justices of the Provinciall or County Court where the Owner Master or Dame or Overseer of Such Servant shall live dureing the Sitting of the Court be it before or after the Expiration of Such Servants first time of Servitude by Indenture or otherwise And be it further Enacted by the Authority aforesaid that any person or

persons whatsoever that shall wittingly or Willingly deteine any Lib. L. L.
such Servant or Servants unLawfully Absenting him her or
themselves as aforesaid shall be fined five hundred pounds of
Tobbacco for every Night or four and Twenty houres that
such ꝑson or person or persons shall give Enterteinment to
such Servant or Servts unLawfully Absenting him her or themselves
as aforesaid the one halfe to his Maty for the Supporte
of Government and the other to the Informer or him or them
that shall Sue for the Same to be recovered in any Court of
this Province by Action of Debt Bill Plaint or information
wherein no Essoyn Protection or wager of Law to be Allowed
And for the better discovery of Runaways it hereby Enacted
by the Authority aforesaid that any person or persons whatsoever
within this Province Travelling out of the County where p. 318
he she or they shall live or reside without a Pass under the
Seale of the said County for which they are to pay Ten pounds
of Tobbacco or one Shilling in Money such person or persons
if Apprehended not being Sufficiently known or able to
give a good Acct of themselfs to be left att the discretion
& Judgment of such Magistrate or Magistrates brought
before whom Such person or persons afforesaid Shall be
brought to the Iudge thereof and if before such Magistrate
shall be Deemed and taken as a Runaway and Shall
Suffer Such fines and Penaltys as is hereby provided
against Runaways and for the better Encouragemt of all Persons
to take up and Seize Such Runaways It is Enacted by the
Authority aforesaid that all and every person and persons as
aforesd Seizing or takeing up Such Runaways Travelling without
Passes as aforesaid not being able to give a Sufficient
Account of themselves as aforesaid shall have & receive Two
hundred pounds of Tobbacco to be paid by the Owner of Such
Runaway So Apprehended and taken up if a Servant and if a
freeman and refuseing to pay the Same then to make Satisfaction
by Servitude or otherwise as the Justices of the Provinciall
or County Courts where Such person shall be so Apprehended
and taken up shall think fitt and further for the better discovery
and Encouragement of our Neighbour Indians to Seize Aprhend
or take up any Runaway Servants and bring them
before Some Magistrate shall for a reward have a Matchcoat
Paid him or them or the Value thereof which Said reward is
to be paid and Satisfyed by the County where such person
shall be Apprehended and the sd Runaway to reimburse the p. 319
Said County by Servitude or Otherwise as the Justices of the
Provinciall or County Court shall think fitt. And be it further
Enacted by the Authority aforesaid That att what time Soever
any of the said Persons Runaways shall be Seized by any person
or persons within this Province such person or persons

Lib. L. L. Soe Apprehending or Seizing the Same shall bring or Cause him or th^{m} to be brought before the next Magistrate or Justice of the County where Such Runaway is Apprehended who is hereby Impowered to take into his Custody or otherwise him her or them to Secure and dispose as he shall think fitt untill Such person or persons so Seized & App^{r}hended shall Give Sufficient Security to Answer the premises the next Court that shall first Ensue in the Said County who is also to Secure such ꝑson or persons till he or they Can make Satisfaction to the party that shall so Apprehend or Seize Such Runaway or other person as by this Act is required Except Such person shall make Satisfaction as aforesaid before such Court shall happen and that Notice may be Conveniently Given to the Master Mistres Dame or Overseer of any Runaways taken up as aforesaid the Justices of the Peace or the Commissioners of the County shall forthwith Cause a Note of the Runaways name so Seized or Apprehended as aforesaid and also Cause a Note to be Sett up att the next adjacent County Courts and att the Provinciall Court and Secretarys Office that all persons may view the Same and See where Such their Servants are and in whose Custody And furthermore for the better Ascerteining what each Servant according to the Custom of the County shall have att the Expiration of the time of their Servitude Be it Enacted by the Authority Advice and Consent aforesaid That every man servant shall att such time of Expiration of his Servitude aforesaid have Allowed and Given him p. 320 one new hatt a good Cloath Suite either of Kersey or Broad Cloath a Shift of white Linnen to be new one paire of new french fall Shoes and Stockins Two Hoes one Ax and one Gun of Twenty Shillings price not above four foot ꝑ the Barrell nor less then three and a halfe. All women Servants att the time of the Expiration of their Servitude as aforesaid shall have Allowed and given her the like Provision of Cloaths and three Barrells of Indian Corne And to the intent the many great Mischiefs and inconveniencys ariseing and Accruing to diverse Good People of this Province by the Transporting or Carrying and Conveying Away or Causing to be transported Carried or Conveyed away out of this Province any Inhabitant within this Province whether Master or ffreeman not thereunto Lawfully Licenced or an Apprentice hired or Serv^{t} or Slave may for the future be prevented Be it further Enacted by the Authority aforesaid that every person or persons that Shall Transport Carry or Convey away or Cause to be Transported Carried or Conveyed away out of this Province any Inhabitant of this Province that is or shall be indebted or Engaged here and not haveing a Sufficient Licence or Pass according to the Law of this Province in Such Case made and Provided shall

be lyable to pay all Such Debt Engagement or Damages as Lib. L. L.
the Said person or persons So Transported Carried or Conveyed away should be lyable to Satisfy to any person to whom
the Same shall be respectively due in this Province unless the
Same be otherwise Satisfyed in Some Convenient time or that
in Short time he Cause or procure Such person or persons So
Carried & Conveyed away to returne againe into this Province p. 321
whereby he may be lyable unto Justice here and any person
or persons whatsoever that shall from henceforth Entice
Transporte or Privately Carry away out of this Province any
Apprentice hired or other Servant or Slave belonging to any
Inhabitant in this Province shall for every Such Offence forfeitt
and pay to the Imployer or Owner of Such Apprentice hired
or other Servant or Slave treble Damages and Cost to be
adjudged by the Justices of each respective County Court or
the Justices of the Provinciall Court for the time of Such
Apprentices hired, Servants or Slaves unlawfully Transported
or Carried away as aforesaid And whereas many great inconveniencies happened and Accrewed unto many Mistresses or
Dames within this Province by the Wickedness and infidelity
of Servants purloyning their Said Masters Mistresses or Dames
Goods and then by Bartring Selling and Conveying away the
Same unto Seamen and others whereby Masters & Mistreses
of familys are or have been very much Damnifyed & abused
for the prevention whereof and of the like misdemeanors for
the future be it further Enacted by the Authority aforesaid
That no person whatsoever shall Trade Barter Comerce or
otherwise Deal with any Servant whether hired or Indented or
Slave belonging or Appurteining to any Inhabitants within this
Province without leave or licence first had and Obteined from
Such Servants Masters, Mistreses Dames or Overseers for his
so doing under the Penalty of Two Thousand pounds of Tobbacco the one halfe thereof to his Ma^{ty} for Supporte of
Government the other halfe to the Master Mistres or true
Owner of Such Goods So purloyned Bartered or Conveyed
Away when proved by Sufficient Wittness or Confession of p. 322
the Party to be recovered in any Court of this Province by
Action of Debt Bill Plaint or Information wherein no Essoyne
Protection or wager of Law to be Allowed And be it further
Enacted by the Authority by and with the Advice and Consent
aforesaid That if the Goods So Traded or bartered as aforesaid
shall Exceed the Sum̄e of One Thousand pounds of Tobbacco
That then the Party or parties whose Goods shall be Imbezled
or bartered away as aforesaid shall have his Action att Law for
the Damage Susteined ag^{t} the person or persons so offending
Dealing and Bartering for the Same any thing in this Act to
the Contrary hereof in any wise Notwithstanding And in Case

Lib. L. L. Such person or Persons So Offending shall not be able to Sat-
isfye the Same then Such person or persons shall be bound
over by Some one Justice of the peace and put in Security
either to Appear att the Provinciall Court or County Court
whereupon Conviction by Confession or Sufficient Wittness
the Offender shall be punished by whipping on the bare back
with thirty Stripes And for the Just Ascerteining and Limitting
of Servants fines of Servitude Be it Enacted by and with the
Advice Consent and Authority aforesaid that whosoever shall
Transporte any Servant into this Province without Indentures
Such Servant being above the age of Two & Twenty Years
shall be obliged to Serve the full Space and terme of five Years
if between Eighteen and Two and Twenty without Indentures
Seaven Years if under fifteen and without Indentures shall
Serve till he or they Arrive att the full age of Two and Twenty
p. 323 Years And be it further Enacted by the Advice Consent and
Authority aforesaid That all Servants Transported out of
Virginia into this Province shall Compleat their time of Servi-
tude here which they ought to have Served in Virginia and no
more And be it further Enacted that every Such Master Mistres
Dame Assignee or Trustee whatsoever Owning or keeping
any Such Servant as aforesaid whether by Virtue of Transpor-
tation purchase or Otherwise Shall within Six months after the
receiving Such Servants into their Custody within this Province
Except he she or they Claime but five Years Service of Such
Servants bring the said Servants into the respective County
Courts where they doe Inhabitt and every of the said Courts
are hereby Authorized to Judge and Determine of the Ages
of Such Servants So bought and Cause the Same to be
Entred upon Record and every Own^{r} as aforesaid Neglect-
ing or refuseing to bring such Servant or Servants before the
Court as aforesaid shall not onely Stand to the Determination
of the Court but also forfeitt the Sum̃e of one Thousand
pounds of Tobbacco to the King for the Supporte of Govern-
ment for Depriveing the Court of their Opportunity of View-
ing the Partys and if any Master or Servants aforesaid be
grieved with the Determination of the Court he shall within
the time Determined for their Service produce a Certificate
Authentick of such Serv^{ts} Age and shall have Remedy to the
Ages aforesaid mentioned and forasmuch as Disputes have
formerly arose att what time Serv^{ts} time of Servitude whether
by Indenture or otherwise should Commence for the better
Explanation Whereof for the future Be it Enacted by the
Authority aforesaid That all Servants Transported into this
Province whether by Indenture or otherwise the time of Ser-
vice of such Serv^{t} so bound or adjudged as aforesaid shall
p. 324 Comence from the first Anchoring of the Vessell within this

Province any Law usage or Custom to the Contrary notwithstanding And be it Enacted also by the Advice Consent and Authority aforesaid That no Indenture made by any Servant dureing the time of Service due by former Indenture or by Determination According to the Tenor of this Act shall any ways oblige any Servant for longer time then by his first Indenture or Determination of the Court shall be Limitted and appointed Provided that this Act nor any thing therein Conteined shall not give or be Construed to give any benefitt to any Negro or Slave Whatsoever And be it further Enacted by the Authority aforesaid that for all Such Runaway Servants or Slaves that shall be Apprehended and taken up in the Province of Pensilvania or Colony of Virginia and from thence brought into this Province and Delivered to a Magistrate of the County into which they shall be brought the Person for so Doing shall have Paid and allowed him by the Master or Owner of Such Runaway four hundred Pounds of Tobbacco and Casque or fourty shillings in money upon his Produceing a Certificate from the s^d Justice or Sherriffe of the delivery of such Runaway Except Servants or Runaways brought from Accomake into Somersett County for Such onely two hundred pounds of Tobbacco or Twenty Shillings and the like from that side of Virginia next the River Potomock into this Province for which said Sum or Sums paid such Runaways make Satisfaction when free by Service or otherwise more then the Tenn days for one as the Court shall adjudge but if Such person So apprehended brought and delivered as aforesaid be a ffreeman and refuse to pay the said sume or sums of Tobbacco or money then and in Such Case the Magistrate before whom he shall be brought shall forthwith Comitt the said ꝑson so refuseing to prison till he give Sufficient Security or make full Satisfaction by Service or otherwise And be it further Enacted by the Authority aforesaid That if any Master Mistres or other Owner of any Servant whatsoever or Overseer by the Order and Consent of any Such Master Mistres or Owner shall Deny & not Provide Sufficient meat Drink Lodging and Cloathing or shall unreasonably Burthen them beyond their Strength with Labour or Debarr them of their Necessary Rest and Sleep the same being Sufficiently proved before the Justices of the County Court the said Justices have hereby full power and Authority for their first and Second Offence to leavy Such fine upon Such Offender as to them shall Seem meet not Exceeding one Thousand pounds of Tobbacco to the use of his Ma^{ty} his heires and Successors for the Supporte of Governm^t and for the third Offence to lett Such Servant so wronged att Liberty and free from their Servitude And be it also further Enacted by the Authority aforesaid That all Negros

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Lib. L. L. and other Slaves allready Imported or hereafter to be Imported into this Province and also all Children now borne or hereafter to be borne of Such Negros or Slaves shall be Slaves dureing their Naturall lives And be it further Enacted by the Authority aforesaid that any white woman either free or a Servant that shall Suffer herselfe to be begott with Child by a Negro or other Slave or ffree Negroe such woman so begott with Child as aforesaid if free shall become a Servant for and p. 326 dureing the terme of Seaven Years if a Servant shall finish the time of Servitude together with the Damage that shall Accrue to such persons to whom she is a Servant by Occasion of any Child or Children begotten as aforesaid in the time of her Servitude and after Such Satisfaction made shall again become a Servant for and dureing the terme of Seaven Years aforesaid and if such Negro begotter of any Such Child as aforesaid be a free Negro he shall become a Servant for and dureing the terme of Seaven Years af^d^ to be adjudged by the Justices of the County Court where Such fact is Comitted according to this Law in the Clause made and Provided against Such Servants as have Bastards and the issues or Children of any Such unnaturall and inordinate Copulations shall be Servants untill they Arrive att the Age of Thirty one Years. And any White man that shall begett any Negro woman with Child whether ffreeman or Servant shall undergo the Same Penaltys as white women all which times of Servitude by this Act Imposed on any the persons issue or Children of Such inordinate Copulations shall be taken Care of by the Justices of Each respective County within this Province and such Servitude to be disposed of or Imployed as the Justices of such County shall think fitt the Produce thereof shall be Appropriated towards the Relief of the Poor And be it further Enacted by the Authority aforesaid that every Serv^t^ Woman haveing a Bastard Child and not able Sufficiently to prove the party Charged to be the begotter of Such Child in every Such Case the mother of such Child shall onely be lyable to Satisfy the p. 327 Damage soe Susteined by Servitude or otherwise as the Court before whom such Matter is brought shall see Convenient Provided that where the mother of any such Child as aforesaid shall be able to prove her Charge by Sufficient Testimony of Wittnesses Confession of the party Charged or pregnant Circumstances agreeing with her Declaration in her Extremity of her pains or throes of Travell and her oath taken by some Magistrate before the time of her delivery of every such Bastard Child or after her delivery then the Party Charged if a Servant to Satisfy halfe the said Damage if a freeman then the whole Damage by Servitude or otherwise as the Court before whom such Matter is brought as aforesaid shall think fitt And if any Such Mother as aforesaid be able to prove by Lib. L. L. such Testimony or Confession of the Party Charged that he being a Single person and a ffreeman did before the begetting of such Child promise her Marriage that then he shall be att his Choice either to perform his promise to her or recompence her abuse according as the Court before whom such Matter is brought shall adjudge And be it further Enacted by the Authority aforesaid by and with the Advice and Consent aforesaid that after the End of this present Sessions of Assembly it shall and may be Lawfull for the Provinciall and County Courts of this Province to hear and Determine any Complaints between Masters and Servants by way of Petition to give Judgment and award Execution upon the Same And that upon any Appeale or Writt of Error brought upon the same from any County Court of this Province to the Provinciall Court or from the Provinciall Court to his Excellency the Governor and Councill no Such Judgment shall be reversed for want of Judiciall Proofs or that the Same was not tryed by Jury or any Matter of forme either in the Entry or giveing of Judgment Provided p. 328 it Appears by the Record that the Parties Defendant was Legally Sumoñed and not Condemned unheard And be it further Enacted by the Authority aforesaid that Serv^{ts} Imported into this Province or any Servant that bind himselfe for Years within this Province or any bound out by the County Courts of this Province That if any matter of Dispute arises either in relation to their Indentures Contracts or Wages or any other matter of Difference between the Said Masters and Servants the same shall be Tryed heard and determined by Petition as aforesaid any Law Statute or usage to the Contrary Notwithstanding.

An Act for Speedy Tryall of Criminalls & Ascerteining their Punishment in the County Courts when Prosecuted there.

Whereas many Acts of Assembly have been heretofore made against thieving Stealing Pilfering and Purloyning which for the Security thereof and to avoid the Great Charge and Trouble in the prosecution of Offenders Accused or prosecuted of Such Crimes in the Provinciall Court of this Province the Said Acts have not been put in Execution to the great delay of Justice and incouragment of Wicked and ill minded people Be it therefore Enacted by the Kings most Excellent Maty by and with the Advice and Consent of this present Generall Assembly and the Authority of the Same that the Comissioners of each respective County Court within this Province shall hereby have full Power and Authority to hear and Determine all p. 329

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Matters relateing to theeving Stealing Pilfering & Purloyning (ffelonys of a higher nature as Robberies Burglarys House breaking &c Excepted) whether Cattle Sheep fowle or other Creatures Necessary for the food and Nourishment of Mankind or horse Mare or Gelding or other Creature that may be Serviceable and usefull or other goods and Chattells whatsoever not Exceeding in Worth the Value of one Thousand pounds of Tobbacco all and every person or persons being Legally Convicted of any the Crimes aforesaid either by Confession or Verdict of a Jury or other Lawfull proof shall be punished by Setting in the Stocks whipping Pillory or restoreing four fold in Value to be adjudged by such respective Court before whom Such person shall be Convict and for the Second Offence Comitted by the Same person not Exceeding the Value afores^d^ the Justices aforesaid have hereby full Power and Authority to hear and Determine the Said Offence or Offences and Cause them to be punished as aforesaid And if the Same person shall again the third time Comitt the like Offence then and in every Such Case the said Comiss^rs^ of the Severall County Courts aforesaid shall not have Power to hear and Determine the Same but Shall Comitt the Said Partie or partys So offending to prison till he she or they shall find Sufficient Security (if by Law Bailable) to answer for Such his her or their Offence att the next Provinciall Court And a Transcript of the Record of the first and Second Convictions under the Seale of the County Court Shall Transmitt and Send to the s^d^ Provinciall Court and bind over all parties Prosecutors and Wittnesses to be and Appear att the said Provinciall Court in Order to the Tryall of the said Offenders or Criminalls before the Justices of the Said Provinciall Court who shall and are hereby Enjoyned to p. 330 proceed against Such Criminalls as near as may be according to the Laws of England and the Clerk of the respective County Court omitting or Neglecting his Duty herein shall forfeitt and pay one Thousand pounds of Tobbacco and Casque one halfe to his Ma^ty^ for Supporte of Government the other halfe to him or them that will Sue for the Same to be recovered in any Court of Record &c. And be it further Enacted by the Authority aforesaid That no person or persons w^t^soever Shall presume to Range in the forrest or woods after wild Cattle or horses without a licence for his so doing from his Excellency the Governo^r^ for the time being under the Penalty and forfeiture of five thousand pounds of Tobbacco for every Wild horse Mare or Mare foale Cow or Cow Calfe that Such persons So ranging shall take or Kill or Carry away alive or Dead the one halfe to the King for the use aforesaid the other halfe to him or them that Shall Sue for the Same to be Recovered as aforesaid And be it further Enacted by the Authority aforesaid that any person or persons whatsoever that shall Kill any unmarked Swine or Shoat being above three months old if it Shall not be upon his or their Own Land or in Company with his or their Own hoggs shall be Deemed taken and reputed an Hoggstealer and restore to the right Owner thereof four fould for every Hogg or hoggs So killed or Suffer Such other punishment as the Justices or Comissioners before whom he or they shall be Legally Convicted direct and Judge And be it further Enacted by the Authority aforesaid That shall Kill any Such Hog Shoat or hoggs as aforesaid in the woods or elcewhere & Cutt of the Ears Remark alter or deface the Ear mark of Such hog or hoggs as aforesaid shall be Deemed Reputed and taken to be a hogstealer and being Legally Convicted thereof shall Suffer like pains and Penaltys as is before in this Act provided And it is hereby further Enacted by the Authority aforesaid that all persons whatsoever the Inhabitants of this Province that have not Allready Recorded the Mark of their Cattle and hoggs either in the Provinciall or County Court Records nor shall not Cause the Same to be done within Six months from the Publication hereof shall not have nor receive any benefitt by this Act And be it further Enacted by the Authority aforesaid that any Person or Persons whatsoever the which is or shall be by Common fame Reputed an hog Stealer Or (for other misdemeanors) of Evill fame that shall Shoot Kill or hunt with Dog or Gunn upon any Land whereon there is or att the Same time Shall be a Seated Plantation Inhabited without the Owner or Dwellers Consent and being thereof once Warned and shall again Comitt the like Trespass shall forfeitt and pay one Thousand pounds of Tobbacco and Casque for every Such Offence one halfe thereof to his Ma^ty^ his heires and Successors the other halfe to the Party Grieved to be recovered in any Court of Record by Bill Plaint or Information wherein no Essoyne Protection or Wager of Law to be Allowed. And be it further Enacted by the Authority aforesaid That all and every the fines and forfeitures in this Act mentioned shall be recovered by the Party Grieved or him or them that Shall Sue for the Same the one halfe to his Ma^ty^ for the Supporte of Governm^t^ the other halfe to the Informer or him or them th^t^ shall Sue for the Same to be recovered in any of his Matys Courts of Record in this Province wherein no Essoyn Protection or wager of Law to be Allowed.

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Lib. L. L. p. 332 An Act Imposeing a fine on Edward Dorsey Convicting him of a Debt of Three hundred Thirty three pounds Six Shillings & Eight Pence to the King and Imposeing a fine on the Sherriffs of Cecill and Talbott Countys.

Whereas Edward Dorsey of Ann Arundell County Gent had heretofore Covenanted and agreed with Coll Francis Nicholson late Governor of this Province and others to build and finish a Certein Church att the Porte of Annapolis before the thirtieth day of November 1697 and afterwards by the honorable Assembly a further time was allowed the Said Edward Dorsey Viz. till the thirtieth of November 1698 And for that the said Dorsey hath alltogether Neglected and desisted from building & finishing the said Church for which Neglect the Said Dorsey being Called before the house of Delegates and after Examination it being put to his Choice whether he would Stand Tryall in an Action that should be Comenced against him for not keeping his Covenant or that he would Submitt to Such fine as the Generall Assembly would Impose and lay upon him Answered That he would and did Submitt to such fine Provided he might for ever after be discharged from building & finishing the said Church and thereupon the house of Delegates did fine the said Edward Dorsey Two hundred pounds Sterling to his Maty his heires and Successors to Such use and uses as the next Generall Assembly p. 333 shall Direct to which his Excellency and Councill Concurred Be it therefore Enacted by the Kings most Excellent Ma^{ty} by and with the Advice and Consent of this present Generall Assembly and the Authority of the Same that the said Dorsey his Executors and Administrators be and are hereby discharged of building and finishing the Said Intended to be built Church and that the said Edward Dorsey his heires Executors and Administrators shall well and truly make payment of the said Two hundred pounds and of every part and parcell thereof to M^{r} Robert Mason publick Treasurer of the Westerne Shore or to the Publick Treasure of the Western Shore for the time being to be Imployed to such use or uses as the Generall Assembly shall hereafter appoint and to the End the said of Two hundred pounds may be most Certeinly Paid Be it Enacted that if the Said Edward Dorsey do not make his Personall Appearance on or before the Tenth day of August next att Annapolis before his Excellency Nathaniel Blakiston Esq^{r} and therewith Two Sufficient Suretys give Bond or recognizance in his Matys name to the uses aforesaid of Double the Sum̄e with Condition that the said Edward Dorsey shall Pay the said Two hundred pounds within Two years next to Come after this Present Sessions att Two Severall Equall payments

to the Publick Treasurer as aforesaid &c. That then his Lib. L. L.
Matys Attorney Generall att the Comand of his Excellency
shall Cause the said fine of Two hundred pounds to be
Estreated and leavied in his Matys name to the uses aforesaid
as if the said fine had been Condemned in the Provinciall
Court before the Justices of the said Court and to be paid to
the Publick Treasurer as aforesaid to be Accomptable therefore
to the Generall Assembly. And whereas Henry Crofts a
Bricklayer and Thomas Fielder Carpenter Engaged to the
afores^{d} Edward Dorsey by Covenant to undertake no other p. 334
Considerable piece of work till the Said Church intended to
be built should be finished and that the said Edward Dorsey is
hereby disengaged from his Covenant about the Said Church
Be it therefore Enacted that the said Henry Crofts be in like
manner from henceforth disengaged from their said Contract
with the Said Edward Dorsey as farr as relates to the Church
and whereas the said Edward Dorsey hath Acknowledged
before this Generall Assembly that he the s^{d} Edward Dorsey
hath allready received the Sum̄e of three hundred thirty three
pounds Six shillings Eight pence in part of Payment for and
Towards the building the s^{d} Intended to be built Church and
hath Confessed that he hath nothing to say to the Contrary
but that he ought to refund and pay back the Said Three
hundred Thirty three pounds Six shillings Eight pence Be it
therefore Enacted by the Authority aforesaid that the s^{d}
Edward Dorsey be and is hereby Convict of the said Debt of
three hundred thirty three pounds Six shillings Eight Pence to
be paid to our Sovereigne Lord the King for & Towards
building a Church in the Porte of Annapolis in as full and
Sure man̄er as if he had Confessed Judgm^{t} for the said Sum̄e
in the Provinciall Court of this Province and that the Said
Sum̄e of three hundred thirty three Pounds Six Shillings and
Eight pence att the Com̄and and Discretion of his Excellency
the present Governor Nathaniel Blakiston Esq^{r} may be leavied
by such Writt of Execution as his said Excellency shall make
Choice of And be it further Enacted That the foundation of
the Church af^{d} Such as it is be by the said Edward Dorsey
abandoned for his Neglect and be free and Clear to the Next p. 335
undertaker And be it further Enacted that the fine of one
Thousand pounds of Tobbacco Imposed by this Present Generall
Assembly on Col William Pierce high Sherriffe of Cecill
County be Applied to the Com̄on use of that County and that
the Com̄issioners of the said County Cause the said Col
William Pierce to give and Allow the said County att laying
of the next leavy of the said County Creditt for the said
Thousand pounds of Tobbacco w^{ch} if the said Col William
Pierce shall refuse to do Effectually that then the Chiefe Justice

Lib. L. L. or President of Cecill County Court shall give Notice to the Attorney Generall for the time being who shall Cause the Same to be leavied in due forme and applyed to the use aforesaid And be it further Enacted that the fine of Two Thousand pounds of Tobbacco Imposed by this present Generall Assembly on Mr Robert Grundy Gent high Sherriffe of Talbott County be to his Matys use for the Supporte of Government to be Estreated and leavied to his Matys use as aforesaid as any other fined Imposed Iudicially in the Provinciall Court and to the End the Party or Partys may not Evade the Payment of their Severall and respective fines by any Nicity in Law or upon refusall or Delay of Payment as directed by this Law shall be Entred upon Record in the Provinciall Court and have the Same force and Effect as a Judgment upon Iudiciall Proceedings and Tryall in the Provinciall Court and that the Process upon the Same shall be Scire facias to shew Cause &c. Why Execution should not issue thereon according to the forme of this Act and that no Writt of Error Appeale or injunction shall be granted the Defendants thereon

p. 336 An Act Ascerteining the Laws of this Province

For preventing Ambiguity Occasioned by Multiplicity of Laws in this Province and declareing what is the Standing and Setled Laws of the Province Be it Enacted by the Kings most Excellt Maty by and with the Advice and Consent of this Present Generall Assembly and the Authority of the Same That the Several and respective Laws heretofore made for and in this Province which are mentioned and Expressed in the Schedule or Catalogue hereunto Annexed and the Laws themselves therein Conteined fairly Transcribed this Sessions of Assembly in large Royall Paper together with the Severall Laws that shall be made and passed this Sessions of Assembly and none other are and shall be the body of Laws of this Province and So to be taken Accepted and observed and that all Laws heretofore made for and in this Province of what kind or Nature Soever Except Laws for private purposes and the Laws mentioned in the said Schedule or Catalogue and the Laws made and Assented to this Sessions be and is hereby Annulled repealed and made Void Saveing to all Persons whatsoever that by means of any the former Laws hereby repealed have any forfeiture or Duty Accrewing to them from any Person or Persons whatsoever the Right of prosecuting and recovering the same by due Course of Law as if the Laws themselves were in force Provided such person
p. 337 or Persons either have Allready or within Six months from the

End of this Sessions of Assembly shall Comence or begin their Actions Suites or Claims for the Same and not after Lib. L. L.

A Catalogue of the Titles of Laws which are Continued in force by Virtue of the above Act.

An Act of Recognition

An Act providing what shall be good Evidence to prove forreigne Debts

An Act for the Incouragment of the Importation of Negros

An Act for Secureing the Rights of Severall persons

An Act for Limittacōn of Certein Actions for avoiding Suites att Law

An Act for the Naturalization of John Oldson & Mathias Vanderhayden.

An Act for the publication of all Laws within this Province

An Act for takeing away all Errors in proceedings att Law and Equity

An Act against Ingrossers and Regraters.

An Act Concerning Indians

An Act Limitting the Extent of Attachments & providing what shall be leavied on Attachments and Executions

An Act Imposeing a Penalty on all those who shall dispose of Tobbacco Seized and received by the Sherriffs & others

An Act for appointing Coroners

An Act for appointing Certein Officers

An Act for punishment of Persons Subborning of Wittnesses or Comitting Willfull and Corrupt perjury

An Act for Settlement of an Annuall Revenue upon the Governor &c.

An Act for the preservation of the Sev^r^all Harbours w^th^in this Province

An Act for Settling of a Standard with English Weights and Measures in the Severall Countys w^th^in this Province. p. 338

An Act against Excessive usury.

An Act directing the maner of Electing and Summoning Delegates and representatives to Serve in Succeeding Assemblys.

An Act for Quieting of Possessions

An Act of Repeale of all Laws heretofore made in this Province and Confirming all Laws made this Generall Assembly.

An Act for Appointing Court Days in each respective County of this Province

An Act Prohibiting Comissioners Sherriffs Clerks & Deputy Clarks to plead as Attorneys in their respective County Courts

Lib. L. L. An Act against Importation of Convicted ffelons into this Province

An Act for publication of Marriages

An Act for the Incouragment of Learning and advancement of the Natives of this Province

An Act prohibiting all Masters of Ships or Vessells or any other person from Transporting or Conveying away any Person or Persons out of this Province without Passes

An Act Confirming and makeing Valid the Last Will and Testament of Augustine Herman

An Act for the Naturalization of Peter Ferdinando and his Children and others

p. 339 An Act touching Coopers and the Gage of Tobb° hhds.

An Act for Confirmation of all proceedings Judiciall military and Civill from the Death of his Excellency Lyonel Copley Esq^r^ Governor of Maryland unto the Arrivall of his present Ex^cy^ Francis Nicholson Esq^r^ present Governor.

An Act Ascerteining the Expences of the Delegates of Assembly and the Comīssioners of the Provinciall and County Courts.

An Act for Erecting Ann Arundell and Oxford Towns.

An Act Impowering Richard Bishop of Talbott County Son and heir of William Bishop late of Talbott County Deceased to Sell and dispose of So much Land as will Amount to fifty Thousand pounds of Tobbacco for the payment of the Charges Expended in recovering the said Estate.

An Act for Tonnage and Navall Officers ffees.

An Additionall Act to the Act for Quieting of Possessions

An Act for the recontinueing of the late discontinued process and Proceedings of S^t^ Marys County Court.

An Act for Naturalization of Daniel Dauison Jun^r^ of Calvert Co:

An Act for Setling Ann Arundell County Court att the Porte of Annapolis within the same County.

An Act for Securing of Administrators and Ex^rs^ from double Paying of Debts and Limitting of the time for payment of Obligations within this Province.

An Additional Act to the Act for Portes.

An Act for the Naturalization of Mathias Mathiason als ffreeman and others

An Act for Ascerteining the ffees for Naturalization

An Act for the Division and Regulateing of Severall Countys within this Province and Constituting a County by the Name of Prince Georges County within the same Province

p. 340 An Explainatory Act to the Act of Repeale of all Laws heretofore made in this Province and Confirming all Laws made this Generall Assembly.

An Act for Secureing Persons Rights to Town Lands Lib. L. L.

An Act for laying an Imposition on Severall Comoditys. Exported out of this Province.

An Act for Naturalization of Michael Curtis & others

An Act Impowering the Comissioners of the County of Kent to purchase three Acres of Land whereon to build a Court house.

An Act for Speedy Justice an Incouragement of Trade

An Act for Naturalization of John Edgar of Somersett County

An Act for Sanctifying and keeping holy the Lords Day.

To the Kings most Excellent Maty.

An Act for the Service of Allmighty God and the Establishment of the Protestant Religion within this Province.

An Act for keeping good Rules and Orders in the Porte of Annapolis.

An Act for the Confirming Titles of Land given to the use of Churches and Chapells

An Act for the better Enabling Mrs Katherine Herman widdow and Relict of Col Herman to sell Land in the Porte of Annapolis

An Act Impowering the Comissioners of each respective County to purchase Land for the use of their respective Courts.

An Act directing and appointing to what use the severall Rooms in the State house in the Town of Annapolis shall be Applyed to p. 341

An Act for Naturalization of Stephen ffrancis and George Slaycomb.

An Act Ascerteining the Bounds and Limitts of Ann Arundell and Baltemore Countys

An Act for Naturalization of Peter Dowdee

An Act for the recontinueing of the late discontinued process and Proceedings of Cecill County Court.

An Act for the better Division of St Pauls & Shrewsbury Parishes

An Act Enabling Elizabeth Norman Executrix of George Norman to make over Two Tracts of Land to John Gadsby and his heires forever.

An Act Impowering the Comissioners of Cecill County to hold a Court this present Year in Aprill.

An Act for Ascerteining the bounds of a Certein Tract of Land to the use of the Nanticoke Indians So long as they shall Occupy and live upon the Same.

An Act Impowering Trustees to purchase Land adjoining to the fountains of healing Waters Called the Coole Springs.

Lib. L. L. An Act to Intitle William Coursey and Elizabeth his wife or the Survivor of them to sell such Land left by Coll Vincent Lowe to be sold for payment of his Debts

An Act Vesting Two Tracts of Land in John Gadsby Sold him by George Norman.

p. 342 An Act for the Ordering & Regulating the Militia of this Province for the better Defence & Security thereof.

Be it Enacted by the Kings most Excellent Maty by and with the Advice and Consent of this p^{r}sent Generall Assembly and the Authority of the Same That from and after the End of this Sessions of Assembly the Militia of this Province shall be Mustered Trained and Exercised according to these Instructions & directions following. That every Colonel, Major or Captain of foot allready Comissionated or hereafter to be Comissionated by his Excellency the Governor of this Province for the time being shall have Power to Enlist Such and Soe many Inhabiting within this Province not hereafter Excepted in their Severall and respective Divisions between Sixteen & Sixty Years of Age as they shall think fitt by as Equal Proportions of the said Inhabitants as Possibly they Can to be of the Militia or Train Bands of this Province w^{ch} Said Persons So Enlisted they shall Muster Exercise and Traine in and att Such Places and at Such Certein times as to them shall Seem meet or the Service Safety or defence of this Province shall require or as his Excellency the Governor of this Province for the time being shall so Cause to Order. That every such Colonel Major or Captaine shall give Notice or Sum̄ons upon every Training or Mustering to Every person So Enlisted as afores^{d} within this p. 343 Province Division or Limitts att the head of his Company or att the house of the Party by an Officer of his Company or Warrant under his hand to Appear att Such time and place as he shall Appoint for Such Training or Mustering, and that if any man after Such Notice Given and Sumons as aforesaid shall neglect to appear att the Place and time appointed as aforesaid or that shall refuse when he hath so appeared to be Enlisted into the Militia and Train bands aforesaid or that being so Enlisted Shall not from time to time as he shall be Sum̄oned or warned as aforesaid to Appear & bring with him one Good Serviceable Gunn fixed with Six Shotts of Powder shall for every Such Offence if a freeman forfeitt and pay the Sume of one hundred pounds of Tobbacco and if a Servant Letted or hindered by his Master Mistress or Overseer then such Master Mistress or Overseer to forfeitt and pay the like Sume of one hundred pounds of Tobbacco

for every Such Servant so letted or hindered as aforesaid Lib. L. L.
for the use of the foot Company to Purchase Drums and
Colours and other Necessarys for the Company as the Commander
thereof shall direct Provided that this Clause be not to
Countenance any officer to press Arms or Ammunition for any
further Expedition or Service than Training but that upon all
such Occasions they be Supplyed out of the County Magazine
or Store all which forfeitures shall be adjudged of heard and
Determined by such Col Major or Captaine of any foot Company
as aforesaid & Account thereof kept in writeing by the Clerk of
such Company which said Colonel Major or Captain of such
Company as aforesaid is hereby Authorized and Impowered to
award Execution against the Goods and Chattells of such
persons as aforesaid so refuseing neglecting or failing as aforesaid
and that upon Occasion of all such Executions the respective
Clerk and Sherriffe of each respective County within this
Province shall issue out and serve Execution without any ffee p. 344
or reward. And for Setling the horse forces That a Captain
of horse in each respective County for makeing up of his
Troop Elect and Enlist his Number of men out of the Inhabitants
of the said County according to such Instructions as he
shall from time to time receive from the Governor of this
Province for the time being. Provided allways that Such
Troopers shall ride their Own horses and that no ꝑson shall
be a Trooper without he be Owner of a good Serviceable
horse which shall Pass Muster and that Such Troopers in
Consideration of their Great pay hereafter to be Allowed be
bound and obliged to find themselves with good able & Sufficient
furniture for their horses and likewise to find th^{m}selves
with Swords Carabines, Pistolls holsters & Amunition and if
any Troopers shall neglect or refuse upon notice given them
as aforesaid (to the foot) to appear att Musters att the time
and Place appointed as aforesaid by each respective Captaine
of horse Accoutred and Equipped as afores^{d} shall forfeitt and
Pay the Sum̄e of one hundred pounds of Tobbacco to be
leavied as aforesaid to the use of the Troop for the Purchaseing
of Trumpetts and Coulers and other necessarys as the
Com̄ander shall think fitt and that all Such Troopers for and
in Consideration aforesaid att all such times as they are out a
Ranging shall find their Own Provisions but when in Actuall
Service to be found provisions att the Charge of this Province
to be paid by the Publick and if it shall happen that any
Troopers horse should be killed in the Service then the s^{d}
Trooper to be paid for the said horse by the publick and not
otherwise. That all persons in holy orders Delegates Magistrates
and Constables shall in their proper persons be Exempted
from being Compelled to Muster and Traine either in horse

Lib. L. L. p. 345 or foot dureing such time as they officiate or bear such offices as aforesaid Provided that this Clause shall not Extend to such persons as allready have or shall hereafter accept of Comissioners for Millitary Service from the Governor of this Province for the time being as to discharge such persons from their respective Charges mentioned in such their Several and respective Commissions neither shall this Clause or any part thereof be Construed or taken to Exempt any Delegates Magistrates or Constables as aforesaid to send unto the field to Muster or Training either to horse or foot when and as often as due notice and Summons shall be to them given as aforesaid Some other person or persons in his or their Stead or place soe provided and Equiped as aforesaid upon forfeiture as aforesaid. And be it further Enacted by the Authority aforesaid that all Negros & Slaves whatsoever shall be Exempted the Duty of Training or any other Military Service. That the pay for the Officers and Soldiers of the foot & horse aforesaid but not other then is hereafter mentioned and for noe Longer time then such Officers and Soldiers Shall be in Actuall Service (Viz)

	Tobacco ꝑ Month
To every Colonel of foot	2000
To a Major of foot	1200
To a Cap^t of foot	1000
To a Liev^t of foot	0700
To an Ensigne	0600
To a Serjant	0400
To a Corporall	0400
To a Drumer	0400
To every Private Souldier	0300
To every Maj^r Generall Chief Comander in the field	3000
And that every Colonel of horse have	2300
A Major of horse have	1500
A Cap^t of horse to be Allowed	1300
A Liev^t of horse to be Allowed	1000
To a Cornet	0900
p. 346 To a Quarter Master	0700
To a Corporall	700
To a Trumpeter	700
To every Private Trooper	600

And that all these Rates and allowances for such Officers and Soldiers aforesaid shall be allowed and Paid and no more and that the months before mentioned be Accounted Computed and reckoned according to Kallender and not otherwise

And to the Intent that Whensoever it shall appear to the Lib. L. L. Chief Governor of this Province for the time being or his Councill to be necessary to raise forces for the Suppressing of any forreigne Invasion or Domestick Insurrection or Rebellion or any Warr w^th^ any Indians that the said Officers and Soldiers may be duly Paid According to the Proportions aforesaid and all other Charges and Expences for the Charge and Management of Such Warr may be duly paid and discharged without which this Province Cannot be deffended and Secured Be it Enacted by the Authority aforesaid that from henceforth all Such necessary Charges of Such Warr and Soldier-pay as aforesaid shall be paid Discharged and defrayed by a Publick Leavy by an Equall Assessment upon the Taxables of this Province by the Consent of the ffreemen of this Province by their Representatives in a Generall Assembly and not otherwise whatsoever And to the Intent that the Inhabitants of this Province may not be abused by haveing theire Goods and Provisions prest by loose and Idle fellows who many times abuse their Comissions and the People. Be it further Enacted by the Authority aforesaid That from henceforth the Comissioners of Each respective County shall Yearly and every p. 347 Year Viz. between the Twenty-ninth day of September and the Twenty-fifth day of December nominate and appoint two honest and Substantiall men of their Countys to be press Masters for the Year Ensueing and if any one Dye or Depart the Country or be lame or sick within that time that then the next Justice of the peace to Nominate and Appointe another in his Stead that if Occasion require they and noe other shall Impress Victualls and other things given them in Charge to be pressed by Warrant from his Excellency the Governor in Chief for the time being and if any other but press masters so appointed shall presume upon pretence of any power as a Press master to Seize take press Carry Away any Goods or Comoditys of any the Inhabitants of this Province shall Pay to the Persón grieved Treble the Value of the Goods or Comoditys so as aforesaid unjustly pressed Provided that no press Master or any other persons whatsoever Shall presume att any time to Seize press or Carry away from the Inhabitants Residents in this Province any Arms or Amunition of any kind whatsoever upon any Duty or Service or upon any Account w^t^soever under the Penalty aforesaid any Law Statute or usage to the Contrary hereof in any wise Notwithstanding And Be it further Enacted by the Authority aforesaid that the Comissioners of any County Court within this Province who shall not between the 27^th^ day of September and the said 25^th^ day of December in each respective Year by precept from the County Court Signed by the Cľk of the Court Nomi-

Lib. L. L. nate and Appoint Such and So many press Masters for every County as aforesaid shall each of them forfeitt and pay unto his Maty for the Supporte of Government the Sum̃e of five hundred pounds of Tobbacco and such press Master who shall be Nominated and appointed as aforesaid by such precept as aforesaid to him or them directed and shall thereupon refuse p. 348 or neglect to Serve and Truly performe and Execute the said Place and office of Press Master Shall forfeitt and pay unto his Maty for Support of Government for every time he or they So nominated and appointed as aforesaid the Sume of five hundred pounds of Tobbacco, And for the more and better Encouragement of Such Soldiers as Shall in the time of Warr adventure in the Service of the Country and defence thereof against any Indians Be it Enacted That the Booty Price Pillage or Plunder or any Indian Seized or taken Prisoner shall by the Comander be Equally Divided and distributed amongst the Soldiers by a Division or distribution to be made by the Poll, And for the Incouragment of Such Soldiers shall Adventure their lives in the Service and Defence of this Province and for the Provision of Some reasonable Pensions to be for the future Settled on Such Soldiers as shall happen to be maimed or rendered uncapable of getting a livelyhood for themselves and Family. Be it Enacted by the Authority aforesaid that every person th^t^ shall Adventure as a Soldier in any Warr or defence of this Province and shall therein happen to be maimed or receive hurt so as to be rendered uncapable of getting a livelyhood as aforesaid shall According to his disability receive a Yearly Pension to be raised out of the Publick leavy of this Province for the time being of Such his disability and every person Slaine in the Service of this Province leaving behind him a Wife and Children shall also be Allowed a Competent Pension the wife dureing her widdowhood and the Children till they be of the Years able to gett their liveing or be put out Apprentices and that this pension be Yearly paid and allowed out of the fifty Thousand pounds of Tobbacco ꝑ Anm. to be raised by the Governor of this Province for the time being or the Councill as in this Act is hereafter to be Provided in the p. 349 Intervalls of Assemblys the party Petitioning for such Pension and Allowance procuring a Certificate from the County Court where he she or they live that he she or they are objects of Charity and deserve to have such Pension and Allowance. And be it further Enacted by the Authority aforesaid that if upon any forreigne Invasion any person or persons w^t^soever Except before Excepted that shall be prest or be an Enlisted Soldier within this Province shall upon the Comand of his Officer being a Captaine att the least Obstinately refuse to appear and Serve in Arms for the Necessary Defence of this

Province Such person or persons so Obstinately refuseing to appear and Serve in Arms as aforesaid Shall upon Certificate thereof under Such Officers hand as aforesaid to the next Justice of the Peace of the County where such party liveth be proceeded against in Manner following (that is to say) the Same Justice of Peace to whom Such Certificate as aforesaid shall be made shall Imediatly issue out a Warrant to the Constable of the Hundred where such party liveth to Apprehend him and bring him before himselfe or Some other Justice of the Peace of the Same County there to Render a Sufficient Excuse if any he hath for such his refusall or non Appearance as aforesaid and if the Justice of Peace shall not find the Excuse of Such party in Such Case to be reasonable and Sufficient then he shall Imediatly Comitt Such person to the Custody of the Sherriffe of Such County there to remaine untill he shall find surety to appear att the next Provinciall Court to be held for this Province thereto be proceeded against According to due Course of Law and if thereupon he shall be Convict of Such his Obstinate refusall or disobedience as aforesaid he shall be fined and Imprisoned according to the directions of the Justices of the Provinciall Court and for the prevention of the great Charge of Annuall Assemblys who may Meet for no other Occasion but to lay the Publick leavy in time of Peace Be it Enacted by the Authority aforesaid that the Governor and Councill dureing the Intervalls of Assembly for the defraying and payment of the Small Charges of this Province be and are hereby Impowered to Assess the Same Equally to be leavyed upon all the Inhabitants of this Province for the defraying the said Small Charges in time of peace as aforesaid any thing in this Act to the Contrary Notwithstanding Provided allways and it is the true Intent and meaning of this Act the said Sums for the Small Charges of this Province So to be Assessed by the Governor and Councill as up the Inhabitants of this Province as af^{d} Exceed not in any one Year the Sume of fifty Thousand pounds of Tobbacco and the disbursments of the said Tobbacco to be acc^{ted} for att the next Generall Assembly after the raising and disbursing the Said Tobbacco as aforesaid And be it further Enacted by the Authority aforesaid That all Soldiers hereafter to be Imployed in any Publick Service within this Province be paid in the respective Countys where the said Soldiers live this Act to Endure for three Years or to the End of the next Sessions of Assembly after the End of the said three Years.

Lib. L. L.

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Lib. L. L. An Act for the Punishment of Privateers & Pyrates

Whereas it highly Tends to the Honour of his Sacred Ma^ty our Sovereigne Lord William the third King of Great Brittain, France and Ireland and most Consistent with the Duty of his Matys Loyall Subjects That Such Articles as are Concluded on in all Treatys of Peace should in a Strict manner be inviolably preserved and kept and Notwithstanding his Matys late Treaty of Peace made with his Allyes and likewise his Royall Proclamation to that Effect sent through all his Matys Dominions, Yet diverse of his Matys ill minded & disobedient p. 351 Subjects of other of his Matys Dominions as well by themselves as in Company with the Subjects of other Princes and in their Service have Comitted diverse Robberies, Murthers & Pyracies to the great Scandall and reproach of the English Nation and Contrary to their Duty faith and Allegiance for the preventing of the said Evills and Punishing of all Such offenders we pray it may be Enacted And Be it Enacted by his most Excellent Maty by and with the Advice and Consent of this present Generall Assembly and the Authority of the Same That from and after the publication hereof It shall be ffelony for any person which now doth or within five Years last Past heretofore hath or hereafter shall Inhabitt or belong to this Province that shall Comitt any Act of Hostility by Comission from or in the Service of any forreigne Prince State or Potentate or any Imployed by or under any of them against any other forreigne Prince State or Potentate in Amity with his Maty and that all and every Such Offender or Offenders Contrary to the true Intent of this Act being thereof Lawfully Convicted in his Ma^tys Provinciall Court of this Province to which Court Authority is hereby Given to hear and Determine the Same as in other Cases of felony shall Suffer pains of Death without benefitt of Clergy Provided Nevertheless this Act nor any thing therein Conteined shall Extend to any person or ꝑsons which have been in the Service and Imployment of any forreigne Prince State or Potentate whatsoever that hath returned to to this Province and left and deserted such Service and Imployment According to his Matys Proclamation before the Tenth day of May Last Past rendering him or themselves to the Governor or Comander in Chief for the time being and give him such Security as he shall Appoint for their future Good behaviour and also that they shall not Depart this Province without the Governors Pass under the hand & Seale of the Said Governor or Comander in Chief for the time being And for the Better and more Speedy Execution of Justice upon p. 352 such who haveing Comitted Treason Pyracys ffelonys and other offences upon the Sea that Shall be Apprehended in this

Province or brought hither in Order to receive their Tryalls Lib. L. L.
here Be it further Enacted by the Authority af^{d} That all Treasons, Felonies Pyracies, Robberies Murthers or Confederacys Com̄itted or that shall hereafter be Comitted upon the Sea or in any River, Haven, Creek or Bay where the Admirall hath Jurisdiction shall be inquired Tryed heard Determined and adjudged within this Province in such like forme as if Such Offence had been Com̄itted in and upon the Land and to that End and purpose Comissions shall issue under the great Seal of this Province directed to the Iudge or Judges of the Admiralty of this Province for the time being and to such other Substantiall Persons as by his Matys Governor or Com̄ander in Chiefe of this Province for the time being shall be named or Appointed which said Comissioners or such a Quorum of them as by such Com̄ission shall be thereunto Authorized shall have full power to do all things in and about the Inquiry hearing Determining Adjudging & Punishing of any Person or Persons Convict of the Crimes & Offences aforesaid as any Com̄issioners to be Appointed by Com̄ission under the Great Seale of England by Virtue of a Statute made in the Twenty Eighth Year of the reigne of King Henry the Eighth Chap: 15 are Impowered to do and Execute within the Kingdom of England and that the s^{d} Offenders which are or shall be Apprehended or brought Prisoners to this Province shall be lyable to Such order process Judgment and Executions by Virtue of Such Com̄ission to be Grounded upon this Act as might be awarded or given against them as if they were proceeded ag^{t} in the Realm of England by Virtue of any Comission Granted upon the said Statute. Be it further Enacted by the Authority p. 353
aforesaid That all and every person or persons that shall any way knowingly Entertein Harbour Conceale Trade or hold any Correspondence by Letter or otherwise with any person or persons that shall be Deemed or adjudged to be Privateers Pyrates or other Offenders within the purview of this Act and that shall not readily Endeavour to the best of his or their Power to Apprehend or Cause to be Apprehended such Offender or Offenders shall be lyable to be prosecuted as Accessarys & Confederates and to Suffer Such pains and Penaltys as in Such Case by Law is Provided And for the more Effectuall Execution of this Act Be it further Enacted by the Authority aforesaid That all Comission Officers in their Severall Precincts within this Province are hereby required and Impowered upon his or their knowledge or upon notice given that any Privateers Pyrates or other Persons Suspected to be upon any unlawfull designe in any place within their respective Precincts to raise and Leavy such a number of Well Armed men as he or they shall think Needfull for the Seizing

Lib. L. L. App^{r}hending and Carrying to Goale all and every such person or persons and in Case of any Resistance or refusall to Yield obedience to his Matys Authority it shall be Lawfull to kill or Destroy such person or persons that shall opose or resist by Strikeing or fireing upon any of the Partys Cōmanded to Aid & Assist, they soe Resisting shall be Deemed taken and adjudged as ffelons wthout benefitt of the Clergy, And every such Officer that shall Omitt or Neglect his Duty herein shall forfeitt thirty pounds Sterling for every such Offence to be Recovered in any of his Matys Courts of Record within this Province by Bill Plaint or Information wherein noe Essoyne Protection or Wager of Law to be Allowed one Moiety thereof to our Sovereign Lord the King his heires and Successors for and towards the Supporte of the Governm^{t} of this Province and the Contingent Charges thereof and the other Moiety to the Informer that Prosecutes or sues for the same and all and every person or Persons that upon Orders Given him or them p. 354 that shall refuse to repaire Imediately with his or their Arms well fixed & Amunition To such place or places as shall be appointed by the said Officer and not readily obey his Cōmands in the Execution of the premisses shall be lyable to such fine or Corporall punishment being Legally Convicted thereof as the Justices of his Matys Provinciall Court shall think fitt.

An Act for the Limittation of Officers ffees.

The Burgesses and Delegates of this present Generall Assembly takeing into their Serious Consideration the Great Complaints heretofore and Still made by Diverse the Good people of this Province of the great Extortion and Oppression which is and hath been in this Province under Colour of Office Cōmitted by Severall Officers and Ministers of this Province and every of their Deputys Ministers Servants and Officers in Exacting unreasonable and Excessive ffees from the good People of the Same and for prevention of the like abuses for the future the Burgesses and Delegates of this present Generall Assembly Pray that it may be Enacted and Be it Enacted by the Kings most Excellent Maty by and with the Advice and Consent of this Present Generall Assembly and the Authority of the Same That from and after the Publication hereof No Officer or Officers hereafter Mentioned in this Present Act their Ministers Servants or Deputys by reason or Colour of his or their Office or Offices have receive or take of any person or persons directly or indirectly any other ffees then by this Act is hereafter Limitted and Allowed to the Severall Officers hereafter Mentioned

To the Chancellor or keeper of the great Seale

Lib. L. L. p. 355

	£ Tobbacco
For Seale of an Originall Writt	006
For Seale of a Recordare	012
For Seale of a Supena ad respondend with three Names or under	015
For every Name more than three	006
For Seale Proclamation of Rebellion	021
For Seale of Comission of Rebellion	360
For Seale of a Grant of Land for 100 Acres or under	120
for every 100 Acres above 100	012
for Seale of a Decree in Chancery	430
for Seale of an Injunction in Chancery	240
for Seale of an Audita querela	120
for Seale to Execution of a Decree in Chancery	162
for Seale of Writt of Covenant for passing a fine	015
for Seale of Comission to take Acknowledgment	120
for the Chancellors hand to a Writt of Assize	240
for Seale to Writt of Error to the Councill	240
for Seal to Scire facias thereupon	240
for Seale of a Supersedeas thereupon	240
for the Seale to a Certiorari	240
for the Seale of an Exemplification of Land the Same with the Pattent or Grant	
for the Chancellors hand to a Writt of Covenant	240
for the Seale to a Mandamus	120
for the Seale to a Melius inquirend	120
for the Seale to a Comission for County Court	430
for Seale of Dedimus Potestatem to swear the Justices	240

Chancellors ffees

p. 356

	£. Tobb.
ffor Seale of Supersedeas to a Com^r of Rebellion or Suplicavit	240
ffor the Seale of Sherriffs Pattent for his Office	430
ffor Seale of the Posse Comitatus	120
ffor Seale of a Writt of discharge if any	120
ffor Seale of a Pattent of Denization	430
ffor Seale of a Ne Exeat Provinciam	120
ffor Seale of a Writt of Error from the County Court	120
ffor Seale of a Scire facias thereupon	120
ffor Seale of a Supersedeas thereupon	120
ffor Seale of all and every other Matter and thing th^t shall Pass the great Seale and not herein Contained each	120

Lib. L. L. To the Commissary Generall or Chiefe Iudge in Testamentary Causes

ffor every Letter of Adm^{r}con or Letter Testamentary	100
ffor every Bond	060
ffor every Oath	016
ffor a Warrant to Appraisors	028
ffor every Warrant to Swear them	028
ffor every Comission to prove a Will or to take Oath to Account or of Administracōn	100
ffor Recording Wills Inventarys or Copying the Same or any other Matter out of the Comīssary's Office 16 £ of Tobb° ꝑ Side Compute-ing Seaven Words to a line and fifteen lines to a Street	016
for every Order in Testamentary Causes	016
for every Citation	020
for fileing every Libell, Answer Replication Petition &c.	040

Commissary's ffees.

	£ Tob°
ffor Subpena for Cost	016
ffor Drawing Definitive Sentence ꝑ Side	016
ffor fileing of Costs	016
ffor Copy of Costs	016
ffor recording Definitive Sentence ꝑ Side	016
ffor Execution of Definitive Sentence ꝑ Side	016
ffor Seale to the Definitive Sentence	480
ffor Seale to the Execution of Such Definitive Sentence	240
ffor Copy of every Libell Answer Replication or rejoinder as before ꝑ Side	016
ffor Drawing Depositions of Witnesses ꝑ Side	016
ffor fileing Interrogatorys	040
ffor Entry of a Demand for Adm^{r}cōn or Probat of Wills &c	008
ffor Entry of every Returne	
ffor every Appearance	016
ffor an Attachment of Contempt	056
ffor a Quietus est	100

Secretary's ffees.

ffor a Recordari	012
ffor a Subpena ad Respondendum 3 names	015
ffor every Name more than three	006
ffor Attatchment of Contempt	018
ffor Proclamation of Rebellion	120
ffor an Injunction	240

ffor an Audita querela	120	Lib. L. L.
ffor a Writt of Covenent to Pass a fine	015	
ffor a Commission to take Acknowledgment	120	

Secretary's ffees

p. 358

ffor a Writt of Assize	030
ffor a Com̄ission to fine Officers upon a Melius inquirend or Monstraverunt	120
ffor a Ne Exeat Provinciam	120
ffor drawing any Instrument that pass the Seale if it Exceed one Side Computeing Seaven words to a line and fifteen lines to a Side and So pro rato for more.	016
ffor Entring any other Matter upon Record not Exceeding halfe a side of a leafe	008
If the matter entred upon Record be above halfe a Side Computeing as before for every folio Copying the Same with Recording	016
ffor any Warrant or License ag^{t} or to one person onely not under the Seale	015
ffor any Warrant or Licence ag^{t} or to more than one not under the Seale then for each	015
ffor any other Pass or discharge not under the Seale	015
ffor Search of a Record the first Year nothing	000
ffor Search of a Record above one Year Standing for every Year after ꝑ Annu	004
for fileing every Bill in Chancery	040
ffor Every Court the Same shall Continue	040
ffor fileing every Answer	036
ffor every Oath to the Same	012
ffor Writeing a Comission a Bond & Recording it for every Sherriffs Office	240
ffor Writt of Posse Comitatus	120
ffor Writt of Discharge if any	120
ffor writeing and Recording a Comission and Dedimus Potestatem for the County Court	350

Secretary's ffees

p. 359

ffor every Writt and Returne	028
ffor every Subpā and Ret	038
ffor fileing and Recording every Declaration ꝑ side Acc^{t}ing ffifteen lines to a Side and Seaven words to a line	016
ffor Copy of the Same att Same rate	
ffor Every Appearance Entred	012

Lib. L. L.	ffor Entry of an Imparleance	008
	ffor a Continuance or refference	008
	ffor fileing a Plea if not Speciall	008
	ffor Speciall plea ꝑ Side as before	016
	ffor Making up the Issue	032
	ffor rule to Plead or for Tryall	008
	ffor a Venire facias for Jurors	028
	ffor Copy of Pannell	008
	ffor every Verdict	008
	ffor Writt of Enquiry of Damages	088
	for Entring Iudgem^{t}	032
	for Signing Iudgmen^{t}	024
	for Copy of Iudgem^{t}	032
	ffor Transcript of the whole proceedings as before ꝑ side	016
	for fileing of a Bill of Cost	016
	for Copy of it if Demanded	016
	for every Execution and returne	028
	for an Attatchm^{t} and Sci: fa:	056
	for every Speciall Bayle	016
	for fileing and recording any Demurrer	016
	for drawing a Protest and recording it	240
	for drawing any other Matter as publick Notary attested under the Seale	050
	if such Matter Exceed one Side then ꝑ Side	016
	for Recording a Pattent for Land	120
	for proveing Right ꝑ poll	002

p. 360

Secretary's ffees

ffor Entring Assignment not Exceeding halfe a side	016
ffor Entring Certificate for Land 16^{s} ꝑ Side as before	016
ffor Warrant for Land	028
ffor Warr^{t} of resurvey ꝑ Order of Councill	050
ffor habere facias Possessionem	028
ffor a Replevin	028
ffor a Procedendo	028
ffor a Writt of Restitution	028
ffor drawing Dedimus Potestatem to Exam Wittnesses	050
for a habeas Corpus	050
for a Certiorari	050
ffor a Comission to Audite	050
ffor an Elegit	050
ffor a Comission of Resurvey	050
ffor a Writt of Dimunition	028
ffor a Writt of Erro^{r} to the County Court	050
ffor a Scire facias thereupon	050

ffor a Supersedeas thereupon	050	Lib. L. L.
ffor Entring an Acknowledgment of Land in Court	012	
ffor Recording a Conveyance att 16^{s} ꝑ Side as before	016	
ffor takeing Every Recognizance in Court	028	
ffor discharge of every Recognizance	028	
ffor every Venire facias or Warr^{t} to Apprehend Criminalls	030	
ffor Appearance	016	
ffor every respite and Continuance	028	
ffor every Order in Criminall Cases	016	
ffor Copy of every recognizance	028	
ffor every Indictment 16^{l} tob^{o} ꝑ Side as before	016	
ffor Copy of every indictment the same		
ffor fileing plea to the Same	008	
ffor Confession of every Indictment	016	
ffor Allowance of a Writt of Error	028	p. 361
ffor every Indictment after the first name	024	
ffor rule for Tryall	016	
ffor Copy of Pannell	008	
ffor Recording Verdict	008	
ffor Entring Conviction and Signing Judgment	056	
ffor Writt of Execution thereupon	056	

All other ffees not herein Comprized belonging to the Secretarys Office to be Charged as officers do in England prorato att one peny ꝑ pound.

To the Surveyor Generall and his Deputy's

To the Survey of one hundred Acres of Land or under one pound of Tobbacco ꝑ Acre, for any quantity above one hundred Acres and under Two hundred Acres for the first hundred as before and halfe a pound of Tobbacco for the rest ꝑ Acre if between Two hundred Acres and five hundred acres then for the first two hundred acres as before & a quarter of a pound of Tobb^{o} for all above, for five hundred Acres as before and for all above Ten pounds of Tobbacco ꝑ hundred Acres.

For every Platt allowing three platts for every Survey (that is to Say) one for the Party, one to the Examiner Generall and the other to be Entred upon the Surveyo^{rs} Book Ten pounds of Tobbacco for the first hundred Acres or under and after the rate of five pounds of Tobbacco per Cent for all above the first one hundred Acres.

For Journey ffees if the Same be distant from the Surveyors house Twenty Miles or under, fourty pounds of Tobbacco, if above Twenty and under fourty Miles Eighty pounds of Tob- p. 362

Lib. L. L. bacco if above fourty Miles & under Sixty then one hundred and Twenty pounds and So prorato the party finding a boat and hands and other Provisions

ffor every Certificate of Survey be the Quantity more or less five pounds of Tobbacco

ffor the Resurvey of one hundred and fourty Acres of Land or under made with a Circumferenter Chaine and other Necessary Instruments four hundred pounds of Tobbacco, for resurvey of any quantity of Land above one hundred and fourty Acres double ffees above Specifyed for Survey in all respects Except it be Otherwise Limitted by the Act for Ascerteining the bounds of Land.

Sherriffs Fees	£ tobb.
ffor Serving a Writt and Baile Bond	035
ffor Tending on a Prisoner one day Twenty four hours in Custody	020
And So pro Rato for a Longer time	
ffor Collecting the publick dues every Hundred	010
ffor Serving an Attatchment or Execution	010
And if any Execution be for above one hundred and under five hundred p^{ds} of Tobb^o	050
If it Exceed five hundred pounds of Tobb^o then	100
If it Exceed one Thousand then for the first Thousand	100
And every Thousand afterwards	050
And after the Same Rate for money or Tobb^o	

And it is hereby declared That is the true Intent and Meaning of this Act the Severall Sherriffs Shall have no more ffees then for what shall Appear to be Justly due upon Such Execution

p. 363 And the Same ffees for leavying any Attatchment for any Sum̄e whatsoever money or Tobb^o or the Value thereof in any Goods or Merchandizes Provided the Same be Condemned to the use of the ꝑty Plaintiffe Attatching the Same and prorato for Such ꝑ^t thereof as shall be Condemned but if no Part shall be Condemned that shall be Attatched that then the Said Sherr shall have onely ten pounds of Tobbacco for returning the Writt aforesaid and no more.

	£ Tobb^o
ffor Impanelling a Iury	920
ffor Serving any Extraordinary Warr^t or Comission to be regulated by the Court	
ffor Serving a Scire facias including the ꝑsons Sumoned	030
ffor Serving a Citation	030
ffor Executing a Com^o of Resurvey ꝑ day	100
ffor Impanelling Iury	240

Lib. L. L.

If Impowered to Swear Iury & Evidences then for every Oath	012
ffor every Non est Inventus returned	010
ffor Serving a Subpa.	030

To the Coroner

For Viewing the Body of any Person or Persons Murthered Slaine or otherwise Dead by Misadventure to be made out of the Goods and Chattels of the party so dead, if any there be otherwise to be leavyed by the Comissioners of the County where Such Accident shall happen.	250
for Arresting or Summoning any Sherriffe Sued or Prosecuted in any Court and for takeing Security for Such Sherriffs Appearance fourty pounds of Tobb°	040
ffor Aresting Sumoning or Attatching any other ꝑson or persons wherein the Sherriffe is Plaintiffe Such ffees as are Allowed to be taken by the Sherriffe in Such Cases and no more	

To the Cryer of the Provinciall Court

p. 364

	£ Tobb°
ffor Swearing every Iury	144
ffor Swearing every Wittness	012
ffor Swearing the Bailyffe	012
ffor every Speciall Bayle	072
ffor every Good behaviour	072
ffor Clearing every Prisoner by Proclamacōn	080
ffor the Acquittal of every Prisoner	080
ffor Every Appeale from the County Court	050
ffor every Writt of Error returned from the Co: Court	050

To the Clerk of the Councill

ffor every Petition in Councill & order in favour of the Party	200
ffor any Com° or other Instrument prepared by the said Clk to pass the broad Seale if for a place of Profitt	400
ffor every Sherriffs Comission	400
ffor every Ranger Surveyor or Comission of Profitt Granted in Councill	200
ffor recording any Matter in Councill ꝑ Side and so pro rato for more or less.	024

Lib. L. L.	ffor Copy of any Matter or thing from the Councill Records the Same ꝑ Side	
	ffor all Searches to the Clerk of the Councill as is to the Hon^{ble} Secry.	
	ffor every Private Bill	100

	To the Clerk of the high Court of Appeals.	£ Tob.
	ffor Recording every Writt of Error Scire fac. and returne ꝑ Side	024
	And So pro Rato as before Seven words in a Line and fifteen lines in a Side	
p. 365	the like for Recording a Transcript	
	The like ffees for recording the Errors	
	ffor Entring and Signing Iudgem^{t}	084
	ffor fileing a Bill of Cost	024
	ffor Copy of the Same	024
	ffor all other ffees as are taken in the Provinciall Co^{rt} Office	

	To the Clerk of the County Court	
	ffor a Writt and returne	016
	ffor every Declaration if a Side	008
	And So pro rato if more	
	ffor Copy of the Same if Demanded as before	
	ffor Entring the Defendants appearance	006
	ffor every Imparleance	004
	ffor fileing every Plea & Demurrer if not a Speciall one if a folio or more pro rato	004
	if any Copy delivered pro rato	
	ffor Entring any Matter upon Record if halfe a Side	004
	if more then pro rato as before	
	for a Subpā if but one name	010
	if two or three names	016
	ffor Rule to plead or Tryall	004
	ffor makeing up the issue	008
	ffor Copy if delivered	008
	ffor Entring Judgment	016
	for Signing Iudgment	012
	for Venire faciat for Iury	012
	ffor Entring the Pannell	004
	ffor fileing Bill of Cost	008
	ffor Copy of the Same	008
	ffor Execution and Returne	016
p. 366	ffor Speciall Bayle	006
	ffor Writt of Enquiry of damages	044
	ffor Entring an Appeale	008

ffor the returne of Cert Copy of the Record ꝑ Side	008	Lib. L. L.
ffor Entring a Writt of Error	008	
ffor every Oath	006	
ffor proveing any Deed or Writeing	008	
ffor Copy of the Same if required ꝑ folio	008	
ffor Recording the Mark of Cattle and hoggs	004	
ffor takeing the Acknowledgment of Land in Court.	012	
ffor a Conveyance for Land ꝑ Side	008	
ffor Allowance of an habeas Corpus	008	
ffor Search every Year after the first	004	

ffor Criminalls

ffor takeing every Recognizance	014
ffor discharge of Recognizance	014
ffor Venire facias or Warrant	015
ffor every Appearance	008
ffor every respite or Continuance	008
ffor every Order	008
ffor Copy of Recognizance	014
ffor every Indictment ꝑ Side	08
ffor Copy of Indictment ꝑ folio as before	008
ffor fileing plea	008
ffor Confession on Indictment	008
ffor Copy of the Pannell	004
ffor recording the Verdict	008
ffor Entring the Judgment	028
ffor Execution of the Judgment	028

To the Cryer of the County Court

ffor Swearing every Iury	072	
ffor Swearing the Bailiff	006	
ffor every Oath	006	
ffor Speciall Bayle	036	p. 367
ffor Good behaviour	036	
ffor Clearing every Prisoner by ꝑclam or Acquittal.	040	

Provided allways that in Case any Person shall refuse to pay the Same So by this Act Limitted and Allowed it Shall and may be Lawfull for the Chancellor, Secretary, Judge for Probate of Wills &c. Surveyor Generall or his Deputies Sherriffe Coroner Cłk of the Councill Clerk of the Court of Appeals the Severall Cłks of the County Courts Cryer of the Provinciall Court and the Severall Cłks of the County Courts to recover the Same by way of Execution ag^{t} the Goods Tobbacco or Chattells of the person or persons So refuseing

Lib. L. L. and no other Provided allways that Such person or Persons haveing no Tobbacco and that shall refuse to Shew unto Such Officer or Officers as shall Collect the Same such Goods and Chattells It shall be Lawfull for Such Officer or Officers to take the body or bodys of Such person or persons in Execution for the Same Provided also that no Officer or Officers in this Act particularly mentioned and whose ffees are hereby settled and Limitted shall by Virtue thereof either leave or Cause to be leavied any Execution upon the body Goods or Chattells of any person or persons whatsoever for any fees in this Act Limitted and Conteined without delivering or Causing to be delivered a true and Just Acc^{t} of the ffees to them due by this Act as aforesaid under the hand or hands of Such Officer or Officers to the person or persons to whom such ffees demanded are due as aforesaid thirty days att the least before Execution leavied and in Case any of the Said Officer or Officers as af^{d} shall in any wise Act or do Contrary directly or indirectly to this Act he or they so Offending shall loose and forfeitt to the party grieved treble Damages Susteined and shall also forfeitt the Sume of Six Thousand pounds of Tobbacco or fourty pounds Sterling the one Moiety thereof to our Sovereigne Lord the King his heirs and Successors for the Supporte of Government to be recovered in his p. 368 Matys name the other moiety to the Party or Partys that shall Sue for the Same to be Recovered in any Court of Record within this Province by Action of Debt Bill Plaint or Information wherein no Essoyne Protection or Wager of Law to be Allowed And it is further Provided that if any ffees for any Matter or thing hereafter to be done belonging to the Severall Officers aforesaid and by the Governor and Councill So allowed and adjudged and not in this Act mentioned, limitted, Allowed and adjudged It shall be Lawfull for Such Officer to have such ffee or ffees as the said Governor and Councill for the time being shall adjudge and allow of, and no more under the Penalty aforesaid to be recovered as aforesaid this Act to Endure for three Years or to the End of the next Sessions of Assembly which shall first happen.

An Act for appointing persons to Treat with Workmen for the building a Church att the Porte of Annapolis

Whereas the Service of Allmighty God should of all things be first promoted in all Common Wealths and for that purpose Some Decent place or building should be erected and built in Order to which great Care hath heretofore been taken for the building and Erecting a Church att the Town and Porte of

Annapolis but through the ill Conduct of the Principall Undertaker the whole work hath been hitherto Neglected to the disservice of God and the dishonour of the whole Province. Lib. L. L.

Be it therefore Enacted by the Kings most Excell^{t} Maty by p. 369 and with the Advice and Consent of this present Gen^{ll} Assembly and the Authority of the Same That the Severall persons hereafter named (to witt) Cap^{t} Richard Hill, M^{r} James Sanders M^{r} Samuel Young, M^{r} John Worthington, M^{r} William Hutchison M^{r} George Ashman and M^{r} John Leech or the Major part of them shall have full power and Authority to Contract bargain and agree with any Workman or workmen to Carry on, Erect and build a Church whose foundation shall be four foot wthin or under the Surface of the Earth fourty Inches thick three foot above Ground and thirty Six inches up to the great wall Plaite which shall be thirteen Inches Square the wall fifteen foot high, the length of the said Church Sixty five foot long in the Clear and thirty foot wide in the Clear with a Porch fifteen foot Clear in the Square and a like Room of the very Same demensions on the Oposite Side of the said Church the Purloyns twelve inches Square the Rafters Seaven inches and a halfe broad and Six inches thick the Door Seaven foot wide and Nine foot high strong and well made one large window att each Gabell End and one of each Side the Porch and so of the other side the Church; on each Side the oposite Room to the Porch and one Window in that Room att the front thereof, the foundation Stone, the building good brick and paved with the Same Brick if the demensions here incerted and the Scantlings of the timber here proposed shall not appear to be According to the Rules of Architecture then to Conforme the Same to such Rules not lessen anything herein proposed with a Large Girt Roof and the Iles Likewise the Rafters from the Plaite to the Topp Twenty foot in length with three and four inch Laths & Singles with Pyramedes at the four Corners of the Topp and the like att the Porch and Room Oposite with a Strong Cubalo or Turrett to hang a Large Bell in, with Strong p. 370 Iron barrs Down and thwart the windows to fix the Glass to to and to be Arched att the Top of the Roof, with inside well lathed and Plastered throughout And be it further Enacted by the Authority aforesaid that the Said persons or any three or more of them shall have full power and Authority to draw Bills upon Such person or persons in whose hands the fund shall be lodged for the building the Same for all such Sume or Sums of Money as shall from time to time be needful for the Carrying on the said building to the Compleating and finishing thereof which person or persons haveing Such fund in their hands are hereby Enjoyned to Yield and pay any or all Such Sum̄e or Sums as shall be so drawn Charged or Demanded of

Lib. L. L. them not Exceeding one Thousand Pounds for which they shall have Creditt and be Allowed in their Accounts when Rendered and hereby Saved harmless for their soe doing.

An Act for payment of the Publick Charge of this Province

Whereas there hath been the Sume of three hundred fourty Six Thousand Eight hundred Seaventy and nine pounds of Tobbacco and the Sum̄e of one hundred Eighty three pounds Seaven Shillings and five pence Sterling laid out and disbursed by Severall of the Inhabitants of this Province upon the necessary Charges of the Same which hath been Examined and stated and allowed of by this present Generall Assembly p. 371 To the Intent thereof that the Same may be Satisfyed and paid Be it Enacted by the Kings most Excellent Maty by and with the Advice and Consent of this present Generall Assembly and the Authority of the Same That the said Sume of Three hundred fourty six thousand Eight hundred Seaventy and nine pounds of Tobbacco And one hundred Eighty and three pounds Seaven shillings five pence Sterling be paid the severall persons as in the Journall of the Comittee of Accompts is sett forth (that is to say) the said one hundred Eighty three pounds Seaven shillings and five pence Sterl according as the Same is Allowed of in the Said Journall And the said Sume of three hundred, fourty six thousand, Eight hundred Seaventy & nine pounds of Tobbacco to be paid to the Severall persons to whom the same is due in money Sterl att the rate of Ten Shillings ꝑ Cent who are hereby obliged to accept and receive the same in full Discharge thereof to be drawn out of the Publick Treasury of this Province in Mañer and forme following (that is to say) Major John Hammond, Capt Richard Hill, Mr Samuel Young, Mr John Worthington or any three of them whereof the said Major Ham̄ond to be one Be and are hereby Authorized and Impowered to draw the severall notes for so much particularly as shall be due to the Severall persons in the said Journalls named for Payment of the aforesaid Publick Charge upon the Severall Treasures of this Province Provided allways that such Sums as are due to Severall Gentlemen resideing on the Eastern Shore shall be first Allotted and paid out of the Stock remaining in the Treasures hands on that shore so farr as the Same will Extend, wch sd Notes & Ticketts the said Severall Treasurers are hereby obliged to accept and pay which said Notes or Ticketts & receipts Endorsed thereon shall be Sufficient to discharge such Treasurer or Treasurers for the Same

End of 1699 Session.

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